



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

MEMORANDUM

To: Rep. Diane Lanpher, Chair, Committee on Appropriations
From: Rep. Theresa Wood, Chair, Committee on Human Services
Cc: Rep. Jill Krowinski, Speaker, House of Representatives
Date: January 17, 2024
Subject: FY24 Budget adjustment recommendations

The House Committee on Human Services (Committee) thanks the House Committee on Appropriations for the opportunity to comment on the Governor's proposed fiscal year 2024 Budget Adjustment Act. The Committee's recommendations are outlined below:

DEPARTMENT FOR CHILDREN AND FAMILIES (DCF)—ECONOMIC SERVICES DIVISION

The Committee will address General Assistance emergency housing in a separate memo later this week.

DEPARTMENT FOR CHILDREN AND FAMILIES—CHILD DEVELOPMENT DIVISION

Readiness Payments

The Committee recommends deviating from the Governor's proposal by reducing the reversion in Sec. B.318 by \$1 million (from \$3.8 million to \$2.8 million) for child care readiness payments (2023 Acts and Resolves No. 76, Sec. 8) to ensure that funds are available to fill the gap from late February until the next adjustment to Child Care Financial Assistance Program eligibility is made in April.

Afterschool and Summer Care Fund

The Committee strongly supports the creation of the Afterschool and Summer Learning Special Fund and the transfer of cannabis revenue intended for the Afterschool and Summer Grant Program to this Special Fund (Secs. B.509 and D.101(a)(2)(B)).

DEPARTMENT FOR CHILDREN AND FAMILIES—FAMILY SERVICES DIVISION

The Committee concurs with the Governor’s proposed adjustments regarding:

- Private nonmedical institutions (Sec. B.317)
- Reduction (based directly on a federal reduction) impacting the prevention of child abuse (Sec. B.318)
- Addition of the five inadvertently omitted family service employees (Sec. E.100(a)(1)(R)(i))
- Change that allows flexibility in meeting the General Assembly’s intent for supporting driver’s education for foster youth (Sec. B.1100(o)(3))

The Committee has an unresolved question regarding the reversion amount from the youth secure residence operating budget. Although reassured by the Department that there remain adequate funds to operate the Middlesex facility, the Committee questions whether, given the delays in opening, there may be an additional funds that could increase the reversion. The Committee will provide additional information to the House Committee on Appropriations once available.

DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT LIVING (DAIL)

The Committee recommends supporting the Governor’s proposal to:

- Increase caseload funding for individuals with traumatic brain injury by \$300,000 (Sec. B.334)
- Provide Services and Supports at Home (SASH), but notes that it recommends including a full year of funding in future budgets (\$500,000)
- Increase the COLA for Choices of Care services by \$917,500 (Sec. B.334.1)

The Committee recommends changes to the Governor’s proposal as follows:

- Annualize the 5% COLA for certain Choices for Care services by \$917,500, retroactive to July 1, 2023
- Based on additional information received from DAIL, reducing the Governor’s proposed appropriation of \$17,000,000 to \$14,000,000 for the emergency financial relief of skilled nursing facilities (Sec. B.334.1)

Home-Delivered Meals

The Committee recommends directing the Secretary of Human Services to apply for an amendment to Vermont’s Global Commitment to Health Section 1115 demonstration to allow home-delivered meals to be treated as a Medicaid covered services as follows:

Sec. X. HOME-DELIVERED MEALS

The Secretary of Human Services shall request approval from the Centers for Medicare and Medicaid Services for an amendment to Vermont’s Global Commitment to Health Section 1115

demonstration that allows home-delivered meals to be a Medicaid covered service when the meals:

- (1) are part of a participant’s service plan of care; and
- (2) meet Vermont’s area agencies on aging’s nutrition requirements in accordance with the Older Americans Act, 42 U.S.C. §§ 3001–3058ff.

Choices for Care

The Committee supports reinvesting Choices for Care savings in the program and recommends the following amendment to ensure that funds cannot be obligated elsewhere:

Sec. X. 33 V.S.A. § 7601 is amended to read:

§ 7601. DEFINITIONS

As used in this chapter:

* * *

(3) “Savings” means the difference remaining at the conclusion of each fiscal year between the amount of funds appropriated for Choices for Care and the sum of expended ~~and obligated~~ funds, less an amount equal to one percent of that fiscal year’s total Choices for Care expenditure. The one percent shall function as a reserve to avoid implementing a High Needs wait list due to unplanned Choices for Care budget pressures throughout the fiscal year.

DEPARTMENT OF HEALTH

The Committee supports the following sections of the Governor’s proposed fiscal year 2024 budget adjustment as they relate to the Department of Health:

- Sec. 11 - Family Planning Investment: Moving Program from the Department of Health to the Department of Vermont Health Access
- Sec. 13 - Vaccine Purchasing Program
- Sec. 36 - Limited service position for Community Violence Prevention Program
- Sec. 54 - Changing Health Department funds to the American Heart Association from a grant to a contract

- Sec. 56 - Adding “Notwithstanding” to language authorizing Evidence-Based Advertising Fund to Syringe Exchange uses
- Sec. 57 - Adding carryforward language to 2023 Act and Resolves No. 22 Opioid Abatement Special Fund appropriations
- Sec. 64 - Updating statute to allow sharing of HIV/AIDS Information with Centers for Disease Control and Prevention for purposes of “public health surveillance, or epidemiological follow-up”

Syringe Services

The Committee recommends making a \$500,000 adjustment for syringe services as follows:

Sec. X. 2023 Acts and Resolves No. 78, Sec. E.312 is amended to read:

Sec. E.312 HEALTH – PUBLIC HEALTH

(a) HIV/AIDS funding:

* * *

(5) In fiscal year 2024, the Department of Health shall provide grants in the amount of ~~\$300,000~~ \$800,000 in ~~General Funds~~ general funds to ~~Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs~~ the current syringe exchange programs in Vermont. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants shall be State fiscal year 2024. Grant reporting shall include outcomes and results.

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Opioid Settlement Advisory Committee

The Committee recommends authorizing 12 meetings of the Opioid Settlement Advisory Committee annually as provided below:

Sec. X. 18 V.S.A. § 4772 is amended to read:

§ 4772. OPIOID SETTLEMENT ADVISORY COMMITTEE

* * *

(f) Meetings.

(1) The Commissioner of Health shall call the first meeting of the Advisory Committee to occur on or before June 30, 2022.

(2) The Advisory Committee shall meet at least quarterly but not more than ~~six~~ 12 times per calendar year.

(3) The Advisory Committee shall adopt procedures to govern its proceedings and organization, including voting procedures and how the staggered terms shall be apportioned among members.

(4) All meetings of the Advisory Committee shall be consistent with Vermont's Open Meeting Law pursuant to 1 V.S.A. chapter 5, subchapter 2.

(g) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Advisory Committee serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

(2) Other members of the Advisory Committee shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than ~~six~~ 12 meetings per year. These payments shall be appropriated from the Opioid Abatement Special Fund.

Certificate of Need; Facility Providing Medication of OUD

The Committee recommends excluding from the certificate of need process, with the Commissioner of Health's approval, any facility in which the prescription, distribution, or administration of medication for opioid use disorder is the principal activity as described below:

Sec. X. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

* * *

(g) With the approval of the Commissioner of Health, excluded from this subchapter is a facility in which the prescription, distribution, or administration of medication for opioid use disorder is a principal activity.