

Testimony on behalf of my son
Public Hearing on Housing Feb.16, 2023

TO: All members of the Senate and House on Housing and General Affairs,

My husband and I have been in the 'unfair hearing process' to try to get human and civil rights protections for our son, who has autism. It is very clear that the state did not implement these laws when they first started receiving federal funding. A fair hearing should take 30 days. It's been 2 years...

Centers for Medicaid's 'contents of a waiver' and 'person-centered planning' based on functional assessment have no system currently. We built our son his own accessory dwelling on our home so he may have his own apartment. As many parents, we promote our loved one's independence, contrary to the implicit and explicit bias that the state promotes and perpetuates for their own self interests.

Washington County Mental Health, under their 501c3 status is 'able' to provide or contract comprehensive services for our 34-year-old son. They cannot, as VT did not promulgate federal civil rights laws in the system of care. My son has his own home, he is not homeless, so he does not meet 'a funding priority'. He needs his agency to provide staff for him, but I am told that our son must have a 'shared living provider' as that is most cost effective for the state. In that policy, our son must live in the 'home provider's' home. VT is out of compliance with all relevant Americans with Disabilities Act and Fair Housing Act laws.

So far, we have been in the 'fair hearing' process for 2 years. The first hearing is addressing his appropriate health care. The state denied an extra \$10,000 but the designated agency is providing it. What is wrong with this picture? We were able to get the agency to comply with federal laws before our own state will. Shame on VT's single state agency.

Our second 'fair hearing' is addressing the denial we received for our son to receive his legal guardian as a reasonable accommodation in the shared living provider policy. Our advocate, Kathleen Kourebanas has a conciliation agreement with the attorney general, so we understand VT 'can' pay a legal guardian. The Commissioner of DAIL does not contract shared living providers and putting us through a fair hearing and 'Commissioner's review' is an obvious gaslighting tactic. But we won't stop, as we will go through the exhaustive procedures to protect our son. We know the attorney general has this authority, not DAIL.

VT set up a system to use DAIL and Designated Agencies to 'appear' they are providing federally funded services. That's not the case. VT did not comply with the Americans with Disabilities Act to give legal guardians a way to request reasonable accommodations. The missing page in the shared living provider policy is on purpose. I am willing and able to testify again, if needed.

Respectfully, Nancy LaCroix of Barre