



**VERMONT
LEGAL
AID**

Disability Law Project

177 Western Avenue Suite 1, St Johnsbury, VT 05819

(802)7488721 ■ 800-769-6728

www.vtlawhelp.org ■ Fax: (802)7484610

To: Chair Theresa Wood and the House Committee on Human Services
From: Kelli Kazmarski, Project Director and Cammie Naylor, Staff Attorney -
Disability Law Project, Vermont Legal Aid, Inc.
Date: April 8, 2025
Subject: Comments on H.92

Good afternoon, Chair Wood, and Members of the Committee:

Thank you for this opportunity to testify about H.92 and improving accessibility of the Human Services Board (HSB) for Disability Law Project (DLP) clients and individuals with disabilities.

The DLP gets involved in HSB cases when our clients are:

- Denied, terminated, or face reduced Developmental Disability services.
- Denied or terminated Katie Beckett Medicaid.
- Denied, terminated, or face reduced hours in the Choices for Care Program.

Because of limited resources we are not able to provide representation or other significant legal services for everyone who needs help. One DLP advocate estimated that for every one person we represent at Fair Hearing, there are about seven others contacting VLA for whom we provide, often extensive, advice.

Appealing to the HSB is the only option available for someone who disagrees with a denial or reduction of services. Fair Hearings are a complex process to understand for anyone who isn't a lawyer, let alone appellants with disabilities that make self-representation harder. Of course, finding a process difficult assumes knowledge that the process even exists. We find our clients mostly don't know anything about the HSB. If they do know about it, they are often confused about its purpose and how to access it, or they are too fearful and intimidated by the process to access it.

Not only do our clients themselves face barriers in the HSB Fair Hearing process, but it is also a very challenging process for unrepresented parents/guardians of

people with disabilities. We find we need to give a great deal of advice to help parents/guardians understand the issues facing the client and explain how the process will work.

In consideration of the experiences of our clients in the DLP, we would like to make the following specific recommendations about the HSB Fair Hearing process:

1. Improve resources about Fair Hearings and guidance for pro se appellants.

The HSB already has a document on their website - [A Summary of the Fair Hearing Process](#) – but it’s not plain language or formatted in a way that is easily read and understood. It doesn’t explain key terms the HSB uses, like status conference, discovery, and fair hearing. Nor does the current Summary explain what to expect at each stage in an appeal. It doesn’t tell people what kind of evidence they will need for their hearing, what kind of evidence is not allowed, how to gather evidence, or how to present their evidence at the hearing.

This Summary should provide plain language information, step by step instructions for pro se appellants, and a plain language glossary of Fair Hearings terms.

2. Improve Notices.

The current hearing notices don’t state the legal issue a hearing officer will decide. Our clients often don’t know whether their hearing notice is for their “Fair Hearing” or a “status conference.” People don’t understand what evidence they need to bring, how to get a witness (such as a service provider) to attend, or how to get letters of support and documentation from service providers into evidence.

An appellant would have to find, read, and understand the [Summary of the Fair Hearing Process](#) to know the HSB can provide accommodations or an interpreter at no cost.

Notices should be improved to include plain language descriptions of the issues to be determined at the hearing, information about interpreters, accommodations, and other resources available for appellants. More specific suggestions about hearing notice improvements can be seen on the attached proposed amendments to 3 V.S.A. §3091.

3. Include resources with first mailing.

After creating a plain language, step-by-step guide about preparing for a Fair Hearing that is easy to read and understand, the guide should be sent with the appeal acknowledgement or first hearing notice to all appellants. If they are not already able to do so, HSB staff should be able to answer procedural questions for appellants.

We find the HSB clerks and hearing officers are helpful, thoughtful, considerate, and willing to grant accommodations upon request. We are thankful for their assistance to our clients and their willingness to provide accommodations to make the system more accessible. We imagine they have their hands full just keeping up with incoming appeals. And we believe that with the implementation of the new SIS-A reassessments and 'the grid', the volume of appeals is likely to increase going forward. We recognize that creating better plain language materials and providing procedural guidance to pro se appellants could require additional staff time, but it will make the process more efficient.

Finally, and importantly, the DLP supports the HSB getting the resources they need to make the above outlined improvements, which we believe will significantly improve the accessibility of critically important Fair Hearings, for DLP clients and others.

Thank you.

Attachment:

Disability Law Project 4.08.25 Testimony: Recommended Statutory Change

3 V.S.A. § 3091. Hearings

(a) An applicant for or a recipient of assistance, benefits, or social services from the Department for Children and Families, of Vermont Health Access, of Disabilities, Aging, and Independent Living, of Mental Health, or of the Department of Health's Women, Infant, and Children program, or an applicant for a license from one of those departments, except for the Department of Health, or a licensee may file a request for a fair hearing with the Human Services Board. An opportunity for a fair hearing will be granted to any individual requesting a hearing because the individual's claim for assistance, benefits, or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other Agency action affecting the individual's receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by Agency policy as it affects the individual's situation.

(b) The Notice of the Fair Hearing shall be provided in plain language and shall clearly explain the issues to be discussed on appeal. The Notice shall include information that the parties or witnesses may request an interpreter or a reasonable accommodation at no cost. The Notice shall include a plain language, step-by-step guide on preparing for a fair hearing that is easy to read and understand. The guide shall include:

- Definitions of common terms used by Hearing Officers and counsel such as "status conference," "discovery," and "fair hearing." Definitions should be in plain language.
- Plain language descriptions of what to expect at each stage of the appeal process.
- Explanations of what kind of evidence pro se litigants will need at their hearing and how to get that evidence, how to subpoena a witness to get them to attend the hearing, how to get letters from service providers into evidence, and how to present evidence at the hearing.
- Links to resources for Appellants

(c) The hearing shall be conducted by the Board or by a hearing officer appointed by the Board. The Chair of the Board may compel, by subpoena, the attendance and testimony of witnesses and the production of books and records. All witnesses shall be examined under oath. The Board shall adopt rules with reference to appeals, which shall not be inconsistent with this chapter. The rules shall provide for reasonable notice to parties, and an opportunity to be heard and be represented by counsel....