

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Human services; developmental disabilities; system of care

4 Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate
5 the rulemaking requirement for portions of the system of care plan; (2) require
6 system of care plan extensions to be approved by the Chairs of the House
7 Committee on Human Services and the Senate Committee on Health and
8 Welfare; (3) establish the Residential Program Developer position and require
9 annual quality services reviews; (4) establish pilot planning grants to develop
10 housing and residential services programs for individuals with developmental
11 disabilities; and (5) implement processes for payment reform and conflict-free
12 case management.

13 An act relating to the system of care for individuals with developmental
14 disabilities

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 * * * Legislative Intent * * *

17 Sec. 1. LEGISLATIVE INTENT

18 It is the intent of the General Assembly that:

19 (1) Individuals who qualify for developmental services and who meet a
20 funding priority as outlined in the State system of care plan for developmental

1 services receive full and complete information in plain language regarding
2 their options and services.

3 (2) Individuals with developmental disabilities, their family members,
4 allies, and advocates be respected and active participants in systems change
5 activities, including payment reform, development of resources to comply with
6 the federal home- and community-based services regulations, and development
7 of additional residential service options. Information provided to stakeholders
8 shall be in plain language.

9 * * * System of Care Plan * * *

10 Sec. 2. 18 V.S.A. § 8725 is amended to read:

11 § 8725. SYSTEM OF CARE PLAN

12 (a) Every three years, the Department shall adopt a plan for the nature,
13 extent, allocation, and timing of services consistent with the principles of
14 service set forth in section 8724 of this title that will be provided to people
15 with developmental disabilities and their families. ~~Each plan shall include the~~
16 ~~following categories, which shall be adopted by rule pursuant to 3 V.S.A.~~
17 ~~chapter 25:~~

18 ~~(1) priorities for continuation of existing programs or development of~~
19 ~~new programs;~~

20 ~~(2) criteria for receiving services or funding;~~

21 ~~(3) type of services provided; and~~

1 Services provided to people with developmental disabilities and their
2 families shall foster and adhere to the following principles:

3 * * *

4 (11) Trained staff. In order to ~~assure~~ ensure that the goals of this
5 ~~chapter~~ subchapter are attained, all individuals who provide services to people
6 with developmental disabilities and their families must receive training as
7 required by section 8731 of this title.

8 * * *

9 § 8727. COMPLAINTS; APPEALS

10 (a) Notice. The Department or agency or program funded by the
11 Department shall provide notice:

12 (1) To an applicant or the applicant's guardian, as applicable, of the
13 rights provided under this ~~chapter~~ subchapter, State and federal law, and any
14 other available rights of appeal for violations of any of those rights.

15 * * *

16 § 8733. ADVISORY BOARD

17 * * *

18 (e) Members shall be entitled to reimbursement for necessary and actual
19 expenses incurred in performance of their duties under this ~~chapter~~ subchapter.

20 Subchapter 2. Supports for Individuals with Developmental Disabilities

21 § 8741. QUALITY SERVICES REVIEWS

1 (5) developing requests for proposals and identifying at least three pilot
2 planning grants for different regions of the State focused on the needs
3 identified in those regions; and

4 (6) working with appropriate designated and specialized service
5 agencies or other providers to implement selected pilots.

6 * * * Housing and Residential Service Pilot Planning Grants * * *

7 Sec. 5. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT
8 LIVING; DEVELOPMENT OF HOUSING AND RESIDENTIAL
9 SERVICES PILOT PLANNING GRANTS

10 (a) The Department of Disabilities, Aging, and Independent Living shall
11 work with the Vermont Developmental Disabilities Council and a statewide
12 self-advocacy group to review housing models in other states for the purpose
13 of informing the pilot planning grants developed pursuant to subsection (b) of
14 this section.

15 (b)(1) In fiscal year 2023, \$500,000.00 is appropriated to the Department of
16 Disabilities, Aging, and Independent Living from the Global Commitment
17 Federal Medical Assistance Percentage (FMAP) home- and community-based
18 services monies to develop housing and residential service pilot planning
19 grants in at least three regions of the State, in partnership with designated and
20 specialized service agencies, for individuals with developmental disabilities
21 and their families. The Department shall issue a request for proposals seeking

1 entities to develop regional pilot planning grants with not more than one grant
2 per designated agency catchment area.

3 (2) The pilot planning grants shall:

4 (A) reflect the diversity of needs expressed by individuals with
5 developmental disabilities and their families, including individuals with high
6 support needs who require 24-hour care and those with specific
7 communication needs;

8 (B) be consistent with the federal home- and community-based
9 services regulations;

10 (C) include new service-supported housing models; and

11 (D) include a vision statement, the number of and description of the
12 support needs of individuals with developmental disabilities anticipated to be
13 served, a draft budget, and an implementation plan.

14 (c)(1) The Department shall convene a steering committee to provide
15 advice and guidance as it develops and selects the pilot planning grants
16 required pursuant to this section.

17 (2) The steering committee shall be composed of the following
18 members:

19 (A) three individuals with a developmental disability, appointed by
20 the Green Mountain Self Advocates;

1 (B) two family members of individuals with a developmental
2 disability, appointed by the Vermont Family Network;

3 (C) two advocates who are either individuals with a developmental
4 disability or a family member of an individual with a developmental disability,
5 appointed by the State Program Standing Committee and the Advisory Board
6 established pursuant to 18 V.S.A. § 8733; and

7 (D) two representatives of the designated and specialized service
8 agencies, appointed by Vermont Care Partners.

9 (3) The steering committee shall have the technical, legal, and
10 administrative assistance of the Department.

11 (4) Information provided for the steering committee’s consideration
12 shall be in plain language.

13 (5) Members of the steering committee shall be entitled to per diem
14 compensation and reimbursement of expenses as permitted under 32 V.S.A.
15 § 1010 for not more than eight meetings. These payments shall be made from
16 monies appropriated to the Department.

17 (d) On or before April 15, 2023, the Department shall submit a report to the
18 House Committee on Human Services and to the Senate Committee on Health
19 and Welfare describing the pilot planning grant selection process, the
20 implementation plan, and any resources necessary for implementation of
21 selected pilots.

1 * * * Payment Reform and Conflict-Free Case Management * * *

2 Sec. 6. PAYMENT REFORM AND CONFLICT-FREE CASE
3 MANAGEMENT

4 (a) Prior to implementing system-wide payment reform impacting
5 individuals with developmental disabilities, their families, and designated and
6 specialized service agencies, the Department of Disabilities, Aging, and
7 Independent Living shall seek approval from the General Assembly. At a
8 minimum, the following shall be included in the payment reform process:

9 (1) in addition to any standardized assessment utilized by the
10 Department, a process for consideration of additional information relevant to
11 the life circumstances of service recipients or applicants;

12 (2) in addition to any standardized rates or rate ranges developed by the
13 Department, a process for consideration of budgets to reflect the individualized
14 support needs of service recipients or applicants; and

15 (3) a process for evaluating the fiscal and service impact on individual
16 service recipients and the designated and specialized service agencies.

17 (b)(1) Prior to implementing the federally required conflict-free case
18 management system, the Department shall seek and consider input from a
19 variety of stakeholders, including individuals with developmental disabilities,
20 their families, designated and specialized service agencies, and other providers
21 and advocates and seek approval from the General Assembly.

1 (2) As part of the changes necessary to come into federal compliance,
2 consideration shall be given to performing initial clinical eligibility and service
3 planning within the Department.

4 * * * HCBS Spending Plan Amendment * * *

5 Sec. 7. HOME- AND COMMUNITY-BASED SERVICE SPENDING PLAN
6 AMENDMENT

7 The Agency of Human Services shall seek to amend its federal Home- and
8 Community-Based Service Spending Plan to enable the Department of
9 Disabilities, Aging, and Independent Living to use Global Commitment
10 Federal Medical Assistance Percentage (FMAP) home- and community-based
11 services monies to fund the new Residential Program Developer position
12 created in Sec. 4 of this act and the pilot planning grants in Sec. 5 of this act.

13 * * * Effective Dates * * *

14 Sec. 8. EFFECTIVE DATES

15 This section and Sec. 2 (system of care plan) shall take effect on passage,
16 and the remaining sections shall take effect on July 1, 2022.