

BetsyAnn Wrask, Legislative Counsel

Notes re: 9/11/19 Sunset Advisory Commission (SAC) Meeting

See [agenda](#)

Members Present: Gannon, White, Krauss, LaClair

I. Review of BAW's notes from last meeting.

- Reviewed my notes from SAC's last meeting on 9/11/19.
- Re: Council of Independent Schools: the notes mention that SAC discussed the Council's advocacy.
 - Commissioner Krauss questioned whether advocacy is a standard on which SAC should judge boards and commissions.
 - SAC referenced the Commission on Women.
 - I reminded that SAC planned to take up the advocacy prohibition in the Commission on Women statute at a future date.
 - I also advised that the Council of Independent Schools by statute has an informational purpose, and that SAC can review this purpose today in the draft SAC legislation.

II. AHS Boards re: Central Office. Candace Morgan (no specific answers to SAC questions due to a misunderstanding; AHS Central Office will follow up with answers to SAC questions).

- **Parole Board.** This board is associated with the AHS Central Office because there needs to be separation from the Department of Corrections.
 - **Co-chair Gannon questions why Chair of Board gets \$20,500 salary.** AHS will address this question in follow-up testimony.
- **Human Services Board.** This board adjudicates challenges to Medicaid eligibility.
 - Co-Chair White discussed that this board acts in a quasi-judicial capacity
- **Vermont Tobacco Evaluation and Review Board.** This board is already repealed.
- **Interagency Coordinating Council for Families, Infants and Toddlers.** This board is required by federal law. It is not known to AHS, and might be more of an Agency of Education board.
 - **SAC to ask AOE to address at the Oct. meeting.** AHS will coordinate with AOE on this issue.
- Commissioner Krauss advises that it is difficult to make a decision without AHS providing answers to SAC questions.
 - **AHS advises that it will follow-up.**
- Witness advises that the Parole Board and Human Services Board need to continue to function, although completing the SAC questionnaire might trigger AHS to recommend tweaks to their enabling laws.

- Commissioner Krauss wants SAC to review the issue of board member salaries and per diems.
 - Comm'r Krauss suggests that SAC should question why some board members get higher pay.
 - Comm'r Krauss sees at least four different levels of payment:
 - Legislative member pay (legislative per diem, approx. \$135)
 - Public member pay (\$50)
 - State employee members (standard salary)
 - Any one-off per diems that are not the standard \$50
 - [plus some are prohibited from getting any per diem]
 - Comm'r Krauss advises that the above structure arguably creates an inequity for public members with the standard \$50 per diem or no per diem.
 - Comm'r Krauss doesn't want to suggest the per diem should be above \$50.
 - Co-Chairs ask Comm'r Krauss to clarify the inequity, which appears to be the difference between legislative pay vs. public member pay.
 - Co-Chairs indicate that the Leg. is not going to reduce legislator per diems to \$50.
 - Co-Chair White thinks State employees should be taken off the table in this discussion, because it's part of their job to serve on these boards.
 - Comm'r Krauss advises that Vermont already has trouble recruiting people to serve on boards and commissions; however, he is not advocating for higher per diems.
 - Comm'r Krauss advises that the solution may be for Leg. to discuss per diems.
 - Comm'r Krauss advises that it does not seem fair that some boards and commissions only meet for a couple hours, whereas others meet all day. So, perhaps pay should be hourly-based.

III. DAIL Boards and Commissions. Camille George, Acting Commissioner of DAIL; Acting Deputy Commissioner Megan Tierney-Ward. See [handout](#).

- **DAIL Advisory Board** (pg. 15 of handout). Made up of older Vermonters, Vermonters with disabilities, and geographic representatives.
 - This board's main role is to review DAIL policy and its services. It is strictly advisory.
 - It needs to report on conflicts of interest in State ombudsman program (for people receiving long-term supports).
 - DAIL's focus has been to ensure this board has a diverse membership to get a variety of perspectives.
 - DAIL has used this group for special time-limited issues, such as an adult protective services subcommittee.
 - DAIL's ability to do this helps eliminate the need to form special groups for these issues.

- Co-Chair Gannon: How does it work in practice having such a large board?
 - *Response:* Participation varies among members, but the membership is in-line with the broad scope of DAIL responsibilities.
 - Between 19-24 members is a good number because it helps ensure variety in perspectives.
 - Comm'r Krauss: With 24 people, that's only 2.5 minutes/hour for each person to speak at a meeting.
 - *Acting Dep. Comm'r:* The Board meetings are usually arranged by topic, and then members speak to topics on which they have experience or expertise. This also helps the other members learn about a variety of DAIL-related duties.
- Co-Chair Gannon: Does this board's duties overlap with other DAIL boards?
 - *Response:* The work of the other boards and commissions is at a much more focused level. Doesn't think it's possible for the DAIL advisory board to take on the more focused work of the other DAIL-associated boards and commissions. Would need to have longer meetings, which might discourage membership. Also, other boards have members with specific expertise on the focus of the board.
- Co-Chair White: No per diems for these members?
 - *Acting Comm'r:* DAIL covers their expenses, such as travel costs. Also, there is inconsistency among DAIL boards re: whether members get paid.
 - Under five members end up not getting paid for meetings.
- *Acting Comm'r:* Without this group, DAIL would need to conduct outreach to involve people within the different populations that DAIL serves.
- **SAC recommendation: KEEP**
- **Advisory Board on the Status of Needs of People with Developmental Disabilities and their Families.** #43 on spreadsheet; pg. 3 of handout.
 - This board advises DAIL re: people with developmental disabilities; it is strictly advisory.
 - This board digs into issues re: services for this population.
 - It reviews designation status of the provider agencies. There are currently 10 designated agencies and four specialized service agencies. DAIL reviews whether these agencies are performing services well, and rules set forth the process to review designation status.
 - This board provides advice on whether these agencies should maintain their designation and whether corrective action is necessary.

- It is currently looking into payment for developmental disability services, and at conflicts of interest by providers.
 - Comm'r Krauss: Can a DAIL employee instead do outreach instead of having this group?
 - *Acting Comm'r*: This board is a helpful method of providing context for this population. DAIL also does that outreach in addition to this board.
 - By statute, members may receive expense reimbursement, but are not entitled to per diems.
 - Co-Chair Gannon: Can functions of this board be merged with the DAIL advisory Board?
 - *Acting Comm'r*: No, does not think so, because this group has necessary expertise.
 - **SAC recommendation: KEEP**
- **Commission on Alzheimer's Disease and Related Disorders.** #45 on spreadsheet; pg. 6 of handout.
 - 20 members; membership has been rejuvenated by the addition of new members.
 - Co-Chair Gannon: Why are there no members of financial services to address fraud/exploitation?
 - *Acting Comm'r*: This group focuses more on quality of care, whereas fraud is addressed by the Attorney General and Adult Protective Services.
 - **SAC recommendation: KEEP**
 - **Deaf, Hard of Hearing, DeafBlind Advisory Council.** #46 on spreadsheet; pg. 11 of handout
 - Relatively new group.
 - Co-Chair White: This council was created after the closing of the Austine School, and the Senate just added an Executive Director position.
 - Acting Comm'r: This Council is necessary to maintain in particular because of the lack of accessibility for people within this population.
 - Co-Chair Gannon again remarks that this group is large.
 - *Acting Comm'r*: It is a large group of stakeholders, so rather than compartmentalizing distinct populations, it is helpful to bring them all together. Also, many of the meetings involve DAIL providing info to the members about current events.
 - **SAC recommendation: KEEP**
 - **Governor's Committee on Employment of People with Disabilities.** #48 on spreadsheet; pg. 19 of handout.
 - Increases awareness of workforce challenges for this population. Membership includes business owners.
 - 1/3 of membership is business owners or representatives; it also contains members from the Dept. of Labor.

- Comm'r LaClair: Is there that much going on that you need all of these boards?
 - *Acting Comm'r*: Landscape is continually changing on State and federal level. For example, the Workforce Opportunities Investment Act put a focus on careers, so there has been a huge shift in that work. So, there are always issues that need to be changed; plus needs of their populations are changing (with an example being the current workforce shortage). This committee is now working on electronic visit verification issues.
- Co-Chair Gannon: Is there evidence that this Committee is serving its purpose of promoting employment? *Response*:
 - 45% of Vermonters with disabilities are employed, whereas 85% of Vermonters without disabilities are employed.
 - So, exposure re: this issue is important. Award ceremonies are held to recognize employers, and DAIL is working with the Department of Human Resources re: internship opportunities in order to broaden State employment of people with disabilities.
 - As of 2018, Vermont is 6th in country for employment of people with disabilities. This is an improvement for the State.
 - *Witnesses advise that DAIL will follow up with data re: how VT has improved the employment of people with disabilities.*
- **SAC recommendation: KEEP**
- Co-Chair White: Does DAIL recommend any statutory changes or specific recommendations re: per diems?
 - *AHS' Candace Morgan will follow-up re: AHS policy.*
 - Some statutes are silent on per diems; some members may request per diems [*BAW note: unknown whether this is via AHS policy*].
 - There is a current working group (25 members) looking at issues relating to older Vermonters.
 - Acting Comm'r: DAIL should review how well the communication happens among the boards in order to ensure that duties are not duplicated.
 - For example, each of the specific boards perhaps should have one member on the DAIL Advisory Board.

[Lunch Break]

IV. Review of SAC bill draft 2.1.

- I walked the Comm'n through the bill draft.
- *SAC will ask the Agency of Agriculture to make recommendations re: what provisions are necessary to maintain re: horse and dog racing.*

V. Department of Mental Health Boards and Commissions. Frank Reed and Cheryle Wilcox.

- **Board of Mental Health.** See [handout](#).
 - Hasn't met since 1998; voted to disband in 1998. Duties have been transferred to various committees. Much of the duties seem to have been delegated by rule.
 - DMH recommends the repeal of the Board.
 - DMH will work with its General Counsel to recommend statutory changes to the Board chapter.
 - *SAC recommendation:* **REPEAL with revisions.**

- **State Interagency Team.** Frank Reed and Cheryle Wilcox; see [handout](#).
 - Coordinates State services – mostly AHS and AoE – for children with severe emotional disturbances and their families. May appeal and go to the local interagency team. Conversely, local interagency teams may seek the help of the State Interagency Team to review how to reduce barriers to a child's care.
 - Although it has 20 members, it includes two members from each department, “so that means we get at least one” from each department.
 - [BAW note: the enabling law says that the SIT only has eight members]
 - *SAC recommendation:* **KEEP**

- **Local interagency teams.** Frank Reed and Cheryle Wilcox; see [handout](#).
 - See above re: interaction with State Interagency Team.
 - *SAC recommendation:* **KEEP**

- **Advisory Board on Children and Adolescents with Severe Emotional Disturbance and their Families.** Frank Reed and Cheryle Wilcox; see [handout](#).
 - Provides advice to Comm'rs of DMH and DCF and Sec. of Ed on issues relating to children with severe emotional disturbances.
 - *SAC recommendation:* **KEEP**

VII. Quantifying Per Diems; SAC discussion.

- Comm'r LaClair: Perhaps each agency/dept. should be responsible for determining the amount of per diem its board members should get, and request that amount during their annual budget request.

VIII. Dept. of Corrections Boards.

- **Offender Work Program Board.** Kim Bushey; see [handout](#).
 - Hasn't met for the past 12 years that K. Bushey has been here.

- DOC and other boards are able to meet the advisory duties that this board by statute currently holds.
 - Not many inmates are in a medical status that would allow them to participate in work programs.
 - DOC has other options for low-risk offenders to be diverted from the higher risk populations, such as reparative boards, diversion, etc.
 - Would not have any issues if this board were repealed, since it has not been active in multiple years.
 - *SAC recommendation: REPEAL*
- **Community High School of Vermont Board.** Troy McAllister; see [handout](#).
 - Has been struggling with what its role should be.
 - Has been very difficult to get geographic representation on this board.
 - Thinks there is still a purpose for this board, but DOC and the Board are in the process of analyzing what that role should be.
 - Thinks it's important to get education advice from an entity that is not corrections-based.
 - Comm'r LaClair: Why not use the Agency of Education as a source of advice?
 - *T. McAllister:* Can't say; suggests discussing with AoE. CHSVT is an anomaly; doesn't fit any real school model; is a mishmash of multiple things (public schools, independent schools, etc.).
 - They are an accredited high school, so students receive a standard diploma. It has approx. 2,000 students in any given year.
 - Downside if Board is repealed is that CHSVT would not have a specialized group to get advice on education issues applicable to inmate students (ie., not entirely an AoE focus, nor entirely a DOC focus).
 - CHSVT is a high school, but with adult students. So, high school teaching for adult learners who have committed criminal behavior; these students typically did not do well in either high school or adult education. Plus, mix in pressures of probation officers and court-ordered responsibilities.
 - *T. McAllister may be able to recommend changes to enabling law.*
 - Education provides the best rehabilitator to reduce recidivism.
 - 60% average of students are only there for a quarter.
 - 70% or more do not meet basic proficiencies in English and math.
 - In other states that have done the analysis, states get a \$15-\$17 return on investment for every dollar spent.
 - "Living, learning, and working."
 - Budgeting and parenting; academics; resume development to career exploration. Plus job skill certification.
 - *SAC recommendation: KEEP but perhaps with revisions to enabling law.*

- **VT State Council for Interstate Adult Offender Supervision.** Dale Cook; *see [handout](#)*.
 - Part of an interstate compact that includes all states, plus territories.
 - Not currently active, but is still necessary.
 - Once an out-of-stater is convicted in VT, compact provides standards for how case is handled. Ex: Has to follow VT conditions but under the other state's supervision.
 - Compact provides mandatory transfers in certain situations (such as military or a minor), but then Compact further provides discretionary transfers for people who want to move to another state.
 - **SAC recommendation: KEEP**

X. Reparative Boards. Derek Miodownik.

- Awarding and administering grants to local-based boards made up of community volunteers to connect the harm done by a person on probation to what the community thinks will be necessary to repair that harm to the individual harmed and his or her community.
 - Community justice centers.
 - Serves the overall VT principal of restorative justice.
- They are appointed by the Comm'r of DOC.
- Although the powers of these reparative boards are appropriately expressed in statute, the statutory description of how the grants work and the creation of these boards does not match reality. Restorative justice has grown over time.
 - Some related provisions are in T.24.
 - Relates to Court procedure, DCF, DOC.
- Statutes should be cleaned up; there is currently more focus on policy intent than structural details.
- Co-Chair White suggests that perhaps SAC should recommend in legislation a working group made up of the misc. agencies and departments involved in restorative justice for them to recommend the statutory changes necessary to bring the law in line with current practice.
 - ***D. Miodownik will send me suggestions for who should be on the working group, and what it should review and recommend.*** Entities would likely include the Attorney General, DCF, and DOC.
- **SAC recommendation: *Form a working group to address this issue.***
 - Comm'r Krauss would like to hear from the Administration on SAC's proposal to form a working group.

Next meeting:

- AoE; Council of Independent Schools, State Board of Education
- DCF, DVHA