



VCDR 2019 “End of Session” Legislative Report

VCDR Platform Statement: Lead On!

VCDR shared our legislative and policy priorities for the 2019 legislative session. The list was informed by the experiences and concerns of Vermonters with disabilities and their families and our hopes for this legislative session

Not all Vermonters with disabilities and their families need services, but all look to our state legislators and other officials for leadership and commitment to programs and policies that promote equity and inclusion. These Vermonters have important stories to tell and expertise to share with state agencies and legislators.

Vermont’s ability to fund essential rights and services has diminished over the last decades. It is time to change this. We believe that progress is possible but that it requires fiscal strategies that support livable wages and that adequately funds the programs and services that allow individuals with disabilities of all ages to succeed, thrive and contribute to Vermont.

By working together, we worked to recreate our state’s ability to renew and preserve the resources and services that make equity, participation and economic success possible for persons with disabilities and their families...and for all Vermonters. ***Deborah Lisi-Baker***

VCDR LEGISLATIVE ACTIVITY

VCDR organizational members, self-advocates and family members testified on disability issues related to the VCDR Platform over 25 times during the Legislative session in 10 different legislative committees and /or at public hearings. Other advocates that VCDR partners with testified on VCDR Platform related issues as well.

Additionally, 350 individuals participated on Disability Awareness day this year. Over 100 individuals identified themselves as having a disability, being a family member or ally. Twelve individuals testified in seven different committees in the House and Senate.

BUDGET AND POLICY OUTCOMES SUMMARY

VCDR members participated in the legislative process in a number of ways: educating the legislature on the VCDR Platform issues; meeting with administrative members and legislative leadership and individual legislators; testifying and telling their stories in numerous committees on budget and policy issues.

VCDR Members and others testified on the FY 2020 Budget issues including: VABVI funding increase request, VT Legal Aid, Reach-Up, Deaf Hard of Hearing, Deafblind director position, Participant Directed Attendant Care, Children's Integrated Services and Developmental Disability Services among others.

VCDR along with other advocates were successful in attaining additional Reach-Up dollars, partial restoration of an SSI disability reduction, securing a DHHDB Director, Developmental Disability provider benefits and Peer Support dollars among other budget issues.

In addition to the Budget, VCDR Members and other advocates weighed in on a number of policy bills that passed including: Equity and Social Justice, Minimum Wages, Paid Family and Medical Leave, Special Education and Developmental Services Payment Reform.

Below please find selected budget and policy issues of interest to the disability community in our 2019 "End of Session" Report with outcomes and details.

Selected Budget and Policy legislation of interest to the Disability Community

BUDGET – ACT 72 (H.542)

HUMAN SERVICES

REACH-UP

Budget adds \$2.3M to provide a benefit increases in the Reach-Up Program

The Budget restores one third of the remaining \$115 dollar a month reduction to Reach-Up families receiving both RU and Supplemental security Income (SSI), made several years ago. The legislature reduced the deduction to \$77 dollars a month, a net increase of \$38 a month (\$400K). The Budget also increases the regular Reach Up grants from 2004 levels (covering only 35 % of the standard of need) to 2008 levels, covering 49.6% standard of need. This is a \$1.9 million increase bringing the maximum grant for a family of three from \$640 to \$700

Reach – Up case management review and community engagement

The Secretary of Human Services is required to report to Joint Legislative Child Protection Oversight Committee and make recommendations on how Reach-Up Case Management services can be more effectively directed to strengthen families and promote parental responsibilities.

DEAF, HARD OF HEARING, DEAFBLIND COUNCIL RECOMMENDATION

The Budget adds \$89K (GF and Medicaid match) base funding for Director of Services for the Deaf, Hard of Hearing and Deaf-Blind

DEVELOPMENTAL SERVICES

Legislature approves the \$7.6 million in developmental services (DS) caseload increases that the administration requested.

DENTAL COVERAGE

The Budget expands Medicaid dental coverage for adults beginning Jan. 1, 2020 to allow for two annual cleaning visits and a \$1,000 annual cap on dental services (\$1.08M total funding).

Dental access and reimbursement working group report

The Department of Vermont Health Access, in consultation with the Board of Dental Examiners and the Vermont State Dental Society, will convene a working group of interested stakeholders to look at dental access, Medicaid funding and other issues.

NURSING HOME ASSISTANCE

The Budget adds \$250K for nursing home residents to increase the personal needs allowance by \$25 a month, starting Jan. 1, 2020.

CHILDREN and CHILDCARE FINANCIAL ASSISTANCE

The Budget adds \$7.4M, including \$5.8M in base funding and \$1.6M in one-time funds, for Childcare to support families and providers, including system investments and workforce incentive pilots.

MENTAL HEALTH

- The Budget funds statewide peer support program \$60K.
- Shores up Critical Provider Systems Designated Agencies: Providing a \$5.2M increase across entire system of mental health and developmental services and \$1.5M one time funds to begin the development of an electronic medical records system.
- Provides \$1.5M (all funds) to place complex mental health patients in appropriate community placements, reducing the stress on hospitals.
- Funds operation of 12 new acute beds at the Brattleboro Retreat to come online in late 2020.

Mental Health continued...

- Provides \$2.1M for a 2% increase for home and community service providers in the Choices for Care program.
- Adds funds for the SASH program to transition administration to the ACO as more Medicare lives are attributed.
- Provides \$375K one time money to the Department of Mental Health for emergency room security in small hospitals.

HUMAN RIGHTS and EQUITY

- Maintains school support program for LGBTQ youth with \$60K and provides funding for the Ethnic and Social Equity and Campus Sexual Harm bills.
- Provides \$85K for Human Right Commission outreach position.
- Increases VT Legal Aid by \$25K (can be matched) for caseload increase
- Adds \$94,000 to address caseload pressures in public defense, and \$85K for Court Interpreters in the Judiciary.

WOODSIDE

The Budget appropriates \$260K to the Department for Children and Families, Woodside Rehabilitation Center for costs associated with transitioning from a treatment facility to a detention facility.

DEVELOPMENTAL DISABILITIES SERVICE PAYMENT REFORM

The Agency of Human Services is required to submit an update to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare Committee on the progress made on developmental disability service delivery and payment reform model on or before January 15, of 2020. The update shall provide information on the decisions made to date on the proposed model for developmental disabilities payment and service delivery reform and will examine a number of issues. The intent of the legislature is to ensure that nothing that is proposed by AHS differs from the Developmental Disabilities Act. The Legislative Committee on Rules will be involved in approving any changes to DS payment and delivery before implemented.

AGENCY OF HUMAN SERVICES; STRATEGIC PLAN; REPORT

The Agency of Human Services, in order to respond effectively to dynamic and changing societal needs, shall identify emerging trends and develop a strategic plan for addressing the most challenging issues the Agency anticipates Vermont will face within the next five to 10 years. AHS will examine a number of issues including: the demographics of the State; increasing or emerging trends; demands on the budgets of the Agency and its departments; outcomes; policy and organizational reconfigurations necessary to achieve the Agency's strategic plan; available resources and other. The Agency of Human Services is required to provide its final strategic plan, analyses, and determinations, including any recommendations for legislative action by January 15, 2020.

HOUSING

- The Budget restores \$1M to Vermont housing and Conservation Board (VHCB); Governor's Capital Bill had proposed a \$1,050,000 cut to VHCB conservation funding; together with Capital Bill, this would have put VHCB at \$50,000 below its FY 19 funding.
- Restores Governor's proposed \$541,000 cut to SASH with \$750,000 in one-time funding over 3 years; \$250,000 in GF each year draws sufficient Medicaid to make up cut; together with remaining DAIL funding, this transitions SASH into One Care Vermont over 3 years.
- Increases Assistive Community Care Services by \$5 per day; this helps Cathedral Square and Level 3 residential care providers who have operated at a loss for years
- Includes language creating work group on specialized voucher/services issue

CURRENT SERVICES

As part of the budget report, the Governor is required to develop and publish annually for public review as part of the budget report a current services budget, providing the public with an estimate of what the current level of services is projected to cost in the next fiscal year

Budget Request Not Acted On:

Waiting List for the Participant Directed Attendant Care (PDAC) Program:

The Vermont PDAC program, supported with state general fund dollars, makes it possible for individuals who are not eligible for Medicaid to have help funding the personal care they need to live and work in the community. The state program has been frozen, serving only 40 individuals, despite the fact that PDAC makes it possible to build careers and move out of poverty. VCDR Request that this program be opened to others and be funded, but the waiting list remains frozen. Considerable testimony was presented in a number of committees on this issue.

Rehabilitation Services for the Blind and Visually Impaired: VCDR requested increase funding of \$100,000 for the Vermont Association for the Blind and Visually Impaired to support their services and to expand a success technology program that helped partially sighted and blind individuals access and use new technologies (Smartphones, iPhones, and the internet) that make communication and access to information much more available to people who are partially sighted or blind. Although no additional funding was authorized for this purpose testimony was taken in a number of committees.

Children's Integrated Services (CIS): Increased funding was requested through Medicaid Global Commitment and state general funds for agencies providing these critical services, allowing them to respond to the increased demand for CIS services. The Governors proposed FY 2020 Budget included a \$309,714 reduction to CIS, based on program under-utilization, but advocates were successful working with House and Senate Appropriations to maintain full level funding for FY 2020.

LEGISLATION

Act 1 (H.3) - An act relating to ethnic and social equity studies standards for public schools

This act creates the Ethnic and Social Equity Standards Advisory Working Group to review standards for student performance adopted by the State Board of Education and, on or before June 30, 2021, recommend to the State Board updates and additional standards to recognize fully the history, contributions, and perspectives of ethnic groups and social groups. The Board of Education is required, on or before June 30, 2022, to consider adopting ethnic and social equity studies standards into standards for student performance adopted by the State Board for students in prekindergarten through grade 12, taking into account the report submitted by the Working Group.

ACT 26 (H.528) - An act relating to the Rural Health Services Task Force

This act creates the 14-member Rural Health Services Task Force to evaluate the current state of rural health care in Vermont and identify ways to sustain the system and to ensure it provides access to affordable, high-quality health care services. The Task Force must provide its findings and recommendations to the General Assembly by January 15, 2020.

The act directs the Department of Mental Health to evaluate and determine the mental health bed needs for residential programs across the State by geographic area and provider type and to report its findings and recommendations to the General Assembly by December 15, 2019. The act also requires the Department of Mental Health, in collaboration with community service organizations, to initiate efforts to increase the number of affordable housing opportunities for individuals with mental health needs by identifying potential funding sources for supportive housing and by maximizing the use of Section 8 vouchers. If funding is available to invest in affordable housing opportunities, the act expresses legislative intent that the funds be used to create new options for affordable permanent housing around the State based on evidence-based supportive housing models.

ACT 52 (S.7) - An act relating to social service integration with Vermont's health care system - This act requires the Agency of Human Services to submit a plan to the General Assembly related to coordinating the financing and delivery of Medicaid Home and community-based services with the all-payer financial target services. This act directs the Green Mountain Care Board (Board) to submit to the General Assembly a report that evaluates the manner and degree to which social services are integrated into the accountable care organization (ACO). It also requires that the Board include a new criterion in its budget review of the ACO pertaining to the extent to which the ACO provides resources to primary care practices to ensure that care coordination and community services are available to patients without imposing undue burdens on primary care providers or on ACO member organizations.

This act requires the Director of Trauma Prevention and Resilience Development to serve as a resource in ensuring that new models used by community social service providers are aligned with the State's goals for trauma informed prevention and resilience. *Effective Date: July 1, 2019*

ACT 43 (S.43) - An act relating to limiting prior authorization requirements for medication-assisted treatment - This act prohibits health insurance plans from imposing prior authorization requirements for all counseling and behavioral therapies associated with medication-assisted treatment and for prescription drugs for a patient receiving medication-assisted treatment if the dosage prescribed is within the U.S. Food and Drug Administration's dosing recommendations. The act requires health insurance plans that provide prescription drug coverage to ensure that at least one medication from each drug class approved by the U.S. Food and Drug Administration for the treatment of substance use disorder is available on the lowest cost-sharing tier of the plan's prescription drug formulary.

It further requires the Department of Vermont Health Access to submit reports to the General Assembly annually between 2020 and 2022 regarding prior authorization processes for medication-assisted treatment in Vermont's Medicaid program. *Multiple effective dates, beginning on July 1, 2019*

VCDR Platform Items that did not pass:

H.521- An act relating to amending the special education laws – Not Passed
This bill was recommitted to the Committee on Education in the House, but the Budget Bill includes language that requires a one-year delay of implementation of certain provisions of Act 173 of 2018 which addresses the effectiveness, availability and equity of services provided to all students who require additional support. Act 173 was supposed to change special education funding from reimbursement-based to a census-based model effective July 2020. The census block grant model will be delayed until July, 2021.

H.107 - An act relating to paid family and medical leave – *Passed the House*

The paid family leave bill that passed the House provided workers with 12 weeks of parental leave, eight weeks of family medical leave or eight weeks of personal medical leave. The House paid leave program would cost \$76 million per year and would be funded by a mandatory 0.53% payroll tax paid by employees.

The Senate version would have granted employees six weeks of paid leave to take care of ill family members. It would also grant working parents each six weeks of leave to take care of newborn children. Single parents could receive up to 12 weeks. Unlike the House version of the bill, it would not allow employees to take paid time off for personal illness or injury. The Senate's program would cost about \$27 million and would be funded by a 0.20% payroll tax split between employees and employers. *Although a number of compromises were proposed the House and Senate could not agree and the legislation did not become law.*

S.23 - An act relating to increasing the minimum wage – *Passed the Senate*

The Vermont Senate passed a minimum wage bill in February to raise the state's minimum wage to \$15 an hour by 2024. The House passed a version that slowed down the increase to set the minimum hourly wage at \$15 by 2026, unless there was a recession in which case timeline could be pushed back by a year or two.

The House was concerned about what increasing the minimum wage would increase Medicaid rates for health and human service providers and without a corresponding increase in the Medicaid appropriation, services could be cut. The House version included a study on the issue. *In the end a compromise could not be reached between the House and the Senate and the bill did not pass.*

State Holiday Commemorating the Closure of Brandon Training School (H.332) – *No Action*

This bill proposed to create a holiday to celebrate the development of community-based system of care and the closure of Brandon Training School, introduced by Rep Theresa Wood. This Bill was directed to the House Human Services Committee, but was not taken up this year.

In November of 1993 Brandon Training School was closed making Vermont the first state in the nation to both close our institution for people with developmental disabilities and establish a totally community based system of care. This event was a milestone in the history of Vermont and speaks to our continuing values and efforts to promote a Vermont that works for all of us. All Vermonters, including people with disabilities, deserve to live with dignity and respect, and the freedom to make their own life choices.

Disability Legislation of Interest Introduced – Not acted on:

- **S.5/H.183** - An act relating to prohibiting the involuntary sterilization of individuals with an intellectual disability. No action on this legislation was taken
- **H. 348/S.137 An act relating to health insurance coverage for hearing aids** Would require private insurance to provide coverage for hearing aids and services at the same level as Medicaid, providing equal access to health for people with hearing loss. Action Taken: The bill is in the House Committee on Health Care.
- **H. 312 - An act relating to open movie captioning in movie theaters:** Would require movie theaters to offer “open captions” (subtitles) for a small number of movies each week. This bill has been assigned to the Human Services Committee

Selected Language in Budget Bill:

WOODSIDE

**Sec. E.327 WOODSIDE JUVENILE REHABILITATION CENTER;
REPORT**

(a) The Secretary of Human Services shall develop an alternative proposal for long-term secure beds for delinquent youth. The proposal shall take into account the report required pursuant to 2018 Acts and Resolves No. 201, Sec. 12 and how therapeutic needs can be met.

(b) On or before January 15, 2020, the Secretary of Human Services shall submit a copy of the proposal to the House Committees on Appropriations, on Corrections and Institutions, on Human Services, and on Judiciary, and the Senate Committees on Appropriations, on Health and Welfare, on Institutions, and on Judiciary.

DS PAYMENT REFORM

**Sec. E.333 DEVELOPMENTAL DISABILITIES SERVICE PAYMENT
REFORM**

(a) The Agency of Human Services shall submit an update to the House Committees on Appropriations and on Human Services and to the Senate Committees on Appropriations and on Health and Welfare Committee on the progress made on developmental disability service delivery and payment reform model on or before January 15, 2020. The update shall provide information on the decisions made to date on the proposed model for developmental disabilities payment and service delivery reform and shall include information on:

(1) anticipated costs to both providers and the State of any potential changes and any identified funding strategies;

(2) the plan to use a standardized assessment tool;

(3) how the proposed model addresses individualized services and community inclusion;

- (4) stakeholder engagement, including how their feedback was incorporated into the plan;
- (5) a description of how the model works in relation to payment and sustainability of the system and its workforce;
- (6) how the model covers the costs of high-needs individuals;
- (7) the continuation of person-centered care planning and services;
- (8) maintaining choice of provider, service management, and service options;
and
- (9) how it will hold providers accountable for service expenditures and individual recipient outcomes. DAIL agreed to meet with representatives from House Human Services and House Appropriations monthly over the summer/fall to insure that those committees are up to date on proposals for change.

Sec. E.300.8 AGENCY OF HUMAN SERVICES; STRATEGIC PLAN; REPORT

(a) The Agency of Human Services, in order to respond effectively to dynamic and changing societal needs, shall identify emerging trends and develop a strategic plan for addressing the most challenging issues the Agency anticipates Vermont will face within the next five to 10 years.

(b) The Agency of Human Services shall analyze and determine:

(1)(A) projected changes in the demographics of the State;

(B) increasing or emerging trends that affect or are likely to affect human services needs in the State, including social risks to be addressed; and

(C) anticipated demands on the budgets of the Agency and its departments;

(2) whether current targeted investments are successfully achieving their anticipated outcomes and, if not, why not;

(3) the appropriate programmatic, policy, and organizational reconfigurations necessary to achieve the Agency's strategic plan; and

(4) such other issues as the Agency determines are relevant to developing and achieving the Agency's strategic plan.

(c) The Agency may, within available resources, contract with an independent consultant to assist it in developing the strategic plan, analyses, and determinations required by this section.

(d)(1) On or before November 1, 2019, the Agency of Human Services shall provide a progress update on its strategic plan, analyses, and determinations to the Joint Fiscal Committee, the Health Reform Oversight Committee, the Joint Legislative Justice Oversight Committee, and the Government Accountability Committee.

(2) On or before January 15, 2020, the Agency of Human Services shall provide its final strategic plan, analyses, and determinations, including any recommendations for legislative action, to the House Committees on Appropriations, on Corrections and Institutions, on Government Operations, on Health Care, on Human Services, and on Judiciary and the Senate Committees on Appropriations, on Government Operations, on Health and Welfare, on Institutions, and on Judiciary.

Sec. E.300.9 REPORT TO THE JOINT FISCAL COMMITTEE ON FISCAL PRESSURES

(a) The Secretary of Human Services shall report to the Joint Fiscal Committee at its November 2019 meeting on the following fiscal issues:

(1) the most current estimate of timing related to the 12 beds being developed for State priority use at the Brattleboro Retreat and the fiscal year 2020 and 2021 funding implications. The Secretary shall estimate the additional needs for State funds and sources to provide funding the Administration is considering in the fiscal year 2021 budget presentation to the Legislature;

Sec. E.300.4 SPECIALIZED HOUSING VOUCHERS

(a) The Secretary of Human Services shall convene a working group to include one representative from each of the Departments of Mental Health, of Corrections, for Children and Families, of Disabilities, Aging, and Independent Living, and of Housing and Community Development within the Agency of Commerce and Community Development; the Vermont State Housing Authority; and the Vermont Housing and Conservation Board to develop a strategy to fully utilize available federal rental assistance funds for vulnerable populations in Vermont. This rental assistance, in the form of specialized and rapid rehousing vouchers, serves specialized, vulnerable populations, including homeless families with children, homeless youths, chronically homeless individuals with mental illness, and families that have lost or are at risk of losing a child to State custody. The working group shall consult with community-based housing and human services providers and examine the following:

(1) whether existing expenditures on case management or other services for this vulnerable population could be utilized as match to draw federal specialized voucher funds; and

(2) Vermont's current allocation of housing assistance funds to ensure that Vermont maximizes the ability of the State to draw federal voucher funds; and

(3) any other recommendations the working group may make to help avoid further loss of these specialized vouchers

Links to Budget Documents:

FY 2020 Conference Budget Documents

<https://ljfo.vermont.gov/subjects/appropriations-and-budget/fy-2020/conference-budget-documents>

H.542 - Budget Conference Report Highlights -

https://ljfo.vermont.gov/assets/Uploads/e23370a8bb/H_542_FY_2020_Budget_Highlight_Doc.pdf

FY 2020 Conference Budget Web Report

https://ljfo.vermont.gov/custom_reports/webreports/webreports/web/FY2020%20Big%20Bill%20Web%20Report%20Conference.html

FY 2020 Legislative Intent

<https://ljfo.vermont.gov/assets/Uploads/9fe3cd6962/Intent-letter-for-FY20-budget.pdf>