

## **DAIL Advisory Board Meeting June 13, 2024** Minutes, Draft

**Board Member Attendees:** Jane Catton, Fred Neu, Nick McArdle, Marie Zura, Kim Fitzgerald, Lynne Cardozo, Eliza Eager, Delaina Norton, Andre LaChance.

**DAIL Staff Members:** Jill Bowen, Angela Smith-Dieng, Stuart Schurr, Rebecca, Silbernagel, Ginny Clark-Ziske, Jen Garabedian, Angela McMann, Jacqueline Prue.

**Guests:** Susan Aranoff, Devon Ayers, Ethan Latour, Gorla Quinn, Susan Garcia-Nofi, Kaili Kuiper, Marie Lallier,

**Quorum:** Not met

**Chair:** Jane Catton reviewed the survey results regarding the board members' preference regarding the number of in-person meetings to be held annually. 5 members responded to continue with 2 in person hybrid meetings per year, 4 members responded they would like to see them quarterly, and two members responded they would like them every other month. With majority of responses are weighing in keeping two in person meetings annually with hybrid meetings in between.

Board members discussed the Continental 12% rate increase and the findings of the subcommittees review. Committee members found there is not enough information provided by Continental Insurance to substantiate the increase, 12% is not affordable or sustainable. There is not enough information provided to determine if this is realistic.

Chair Catton looked for endorsement from Board Members to send the Committee response back to DAIL for their use and transfer.

**First:** Kim Fitzgerald

**Second:** Eliza Eager

Response passed endorsement and is being passed back to DAIL to return to regulators.

**DAIL Commissioner Updates:** Dr. Jill Bowen, Commissioner highlighted DAIL's summer priorities. Focusing on the budget FY26, Including Complex Care and ACT 248 Secure Facility, Payment Reform Work and Conflict of Interest. RFI went out, May 21<sup>st</sup> it was posted. There was a webinar and response questions were due in by June 7<sup>th</sup>.

June 21<sup>st</sup> is the final date for responses on DDSD Case Management.

Age Strong Vermont – July 2024 brings the beginnings of implementation of this great program. Working both inter agency with providers to begin processes. Taking the planning work done and moving it into implementation phases to work toward our 2024 goals. DAIL has received a small planning grant of \$21,000 for implementation and project management for this program.

**DAIL SFY 25 Budget Summary:** Rebecca Silbernagel, Principal Assistant presented the State Fiscal Year Budget Summary. Presentation given.

The board expressed curiosity as to why in the budget it was specifically stated as Nursing Homes, and asked the question if Assisted living Communities would be included and eligible under the same circumstances as some Nursing Homes offer.

Board members also raised the question; What is the emergency backup plan or system in place should a Long-Term Care Facility have a sudden closure or if the owner walks away?

Commissioner Bowen explained that EFR's are very specific and needs in post pandemic way which is somewhat unprecedented. They were meant to be temporary in different types of structures helping the nursing homes themselves, Cost cap pieces

Any Long-term care facility would need to provide notification with sufficient time, there are requirements in transition planning so that people will not be left without a place to go. Facilities are required to notify DAIL and then work towards transition. At the same time, this may provide expansion of another facility or a new facility to open.

It was noted that Newport is the only Skilled Nursing Facility that has closed and that several Residential Care Homes have closed, though they are not eligible for the EFR. Ms. Catton asked if this topic could be put on a future meeting, so the board can understand the emergency back up plan that is in place (in more detail), should there be sudden closures of LTC facilities, or if the owner walks away.

The Governor has signed this year's budget.

**Board responses:** Board member comments or items of interest: In the budget, Developmental Services Division Home based Community Services, the Vermont Housing Improvement Program had changes made for anyone who receives Medicaid funded Home and Community Based Services, if the Home Care Community Based Service has a landlord, they may be eligible to get funding for persons who are unhoused and refugees allowing them to rent to a Home Based Community Service .

Members asked if Developmental Disability funded projects that received planning grants as part of DAIL's corrective action plan, were not funded last year. Concerns were made to please have funding for housing adults with disabilities. Please fund the corrective action plan projects.

Work on Assisted Living and Residential Care has been ongoing work for the State of Vermont. The final proposed rule is in final stages, this now needs to be signed off on by the Secretary of Human Services and will need to be filed By July 1, 2024, to meet the LCAR agenda. Folks will have a minimum of 25 days to review the responses. There will be an LCAR meeting on July 25, 2024. All interested parties can attend the meeting and ask the committee any questions they may have.

Facilities will need to implement rules by January 1, 2025. Opportunity for trainings will be available.

**Act 248 Forensics:** Jacqueline Prue, Developmental Disabilities Service Division Public Safety Specialist provided presentation on ACT 248. Stuart Schurr and Rebecca Silbernagel were available to assist in answering questions.

In follow up to the presentation, Stuart Schurr, DAIL General Council shared that it has been a busy two years since bill S.89 / Act 27 <https://legislature.vermont.gov/bill/status/2024/S.89> , pertained to individuals' custody to the Commissioner of DAIL. That bill sought to establish a process to create a 9-bed facility at the current Vermont Psychiatric Care Hospital. As a result, Act 27 workgroup submitted a report to legislature in December 2023. Bill S.192 became Act 137.

**Bill Status S.192 (Act 137)** <https://legislature.vermont.gov/bill/status/2024/S.192>  
Commissioner Bowen added; It is important to note that there is a small subset of individuals who need additional secure and supportive care. It provides the individual with the best care in a least restrictive manner that keeps the public as safe as possible. There are also multiple efforts to enhance the needs of the individual and provide the level of security needed.

Support services include skill building, therapy, things that help individuals learn to manage and maintain, meet their goals, Individual programs created. Every individual is subject to an annual review, with DAIL and their Provider Team. Items reviewed include progress over the year, treatment, community involvement.

A Link to see the outline of Act 248 is provided:

[https://ddsd.vermont.gov/sites/ddsd/files/documents/Act\\_248\\_Info.pdf](https://ddsd.vermont.gov/sites/ddsd/files/documents/Act_248_Info.pdf)

**Items to bring to future meetings:** Emergency staffing and Incentive programs. Including retention and support for people doing this work. Emergency back up plans should a LTC facility face sudden closure or the owner walks away.

### **Board Member Updates:**

Kirsten Murphy will be at the White House in Washington DC to celebrate Olmstead. A link was provided to view live and must register for the White House event.

[https://pitc.zoomgov.com/webinar/register/WN\\_CnGD53qbT\\_aMRrKeG-RrOQ](https://pitc.zoomgov.com/webinar/register/WN_CnGD53qbT_aMRrKeG-RrOQ)

"Lynne Cardozo shared that she would be retiring from her position as Senior Advisor for the Vermont Communication Support Project at the end of the month and will also retire as a practicing certified communication support specialist."

**Motion to Adjourn:** 11:58am

**First:** Lynne Cardozo

**Second:** Kim Fitzgerald

