



Nick McCardle – Nick is the Executive Director of Bayada, a home health care agency in Rutland. He moved to Vermont in 1984. He began his career working with residential care children and how to get them into community care.

Joseph Greenwald – Joseph is a father of an adult with multiple disabilities.

Martha Richardson – Martha, a mother of 2, is the Executive Director for the Alzheimer's Association of Vermont. She also serves on the Alzheimer's Disease and Related Disorders Commission. Serving on the DAIL Advisory Board will help Martha gain a larger picture of the issues that face the populations served by DAIL.

James Dean – Jim worked in the Federal Probation Office in Manhattan. When an office was to open in Rutland, VT, Jim moved to Vermont. After retiring from that position in 1997, he became one of four Public Guardians under the Commissioner, Patrick Flood. While Jim wasn't sure of the content of the job when he applied, he knew he had the skill set from working as a probation officer – advocating and working with the legal and social services system. Then, in 1999, when a neighbor asked for help on how to stay in her home, Jim helped her get a reverse mortgage. He, then, found himself doing this professionally. Jim has served on Board of the Community of Vermont Elders (COVE). He is also on the Advisory Board of Senior Solutions. Jim lives in Windsor, Vermont.

Marlys Waller – Marlys is with Vermont Care Partners representing Vermont's designated agencies. She is the service director for Developmental Disabilities. Although, Marlys is not a Board member, she attends the meetings on a regular basis.

Nancy Brieden – Nancy works with the Disability Law Project, a part of Vermont Legal Aid. This project provides legal advocacy to folks that receive Developmental Disability Services. This includes, but is not limited to, special education, guardianship and discrimination.

Monica Hutt – Monica has worked in the field of human services for the last 25 years. Many of those years were with the HowardCenter, where she was the Disabilities Director for Children and Family Services. Monica has worked at the Agency of Human Services for 11 years and has held several positions.

Clare Buckley – Clare is with KSE Partners. There she is an advocate for things such as civil rights, education and transportation. She is currently filling the role that Peter Cobb held until his retirement – Executive Director of the Vermont Assembly of Home Health Agencies. While she is not a member of the Board, Clare joins us as she knows the issues and fills the void of Peter's expertise.

Gini Milkey – Gini is the Executive Director of the Community of Vermont Elders (COVE). Prior to COVE, she ran the Retired Senior Volunteer Program (RSVP) of Windsor County. Gini was a member of House of Representatives for Windsor County for almost 20 years. Along with her duties at COVE, she shares in the care of her 98-year-old mother.

Camille George – Camille has been with DAIL since 1989 and has served in many roles. This is her second tour as Deputy Commissioner. She has worked as the State Long Term Care Ombudsman, with Older Americans Act services, Adult Day providers and has also been the Director of the Developmental Disabilities Services Division. She has a strong interest in older Vermonter’s and people with disabilities and in achieving the mission of DAIL.

Robert Borden – Robert hails from the state of Massachusetts. While living there he cared for his mother, so that she could remain at home. Robert’s sister has developmental disabilities. She grew up in a time where there were no community supports and services and institutions were the choice people had. Once Robert moved to Vermont, he worked as a case manager at Central Vermont Council on Aging (CVCOA) and later at Gifford Hospital.

Diane Novak – Diane is the former Executive Director of the Southwestern Vermont Council on Aging. She has been with that agency for 34 years!

Linda Berger – Linda recently retired from her position as the Director of Student Services at Lamoille South Supervisory Union. Linda was the guardian for her brother that sustained a Traumatic Brain Injury (TBI).

Matthew Fitzgerald – Matthew is the father of seven children. During his life, Matthew has had several life experiences that led him to apply for appointment to the DAIL Advisory Board. He is father and guardian to a 30-year-old woman. He experienced watching his father receive end-of-life care. Matthew has a son that is on the autism spectrum, but is highly functioning. He himself is a survivor of a brain aneurysm. Matthew has been on both the receiving end and the giving end of care. He served his country for 30 years, retired and is now the owner of his own business.

Jeanne Hutchins – Jeanne is the Executive Director of the Center on Aging at the University of Vermont. She learned a lot while caring for her mother and her mother-in-law is in assisted living. She has a professional and a personal view of the services and supports for the aging population.

Christine Scott – Christine is a registered nurse (RN) at a licensed nursing facility. Growing up, her mother was used a wheel chair, due to polio. At home, Christine’s family did not see her mother as disabled, to them it was their normal. But when they went out, it was clear that not everyone had this view. Christine has watched as society has caught up with providing services for people with a physical disability and having those needs met. She has a passion for short term rehabilitation and long term care. She serves on Vermont’s Professional Regulation for Nursing Home Administrators Advisors. And last but not least, Christine is proud to say that her employer, the Mayo Healthcare, Inc. in Northfield, is a deficiency-free, not-for-profit facility.

**II. Conversation with the Commissioner**  
*Monica Caserta Hutt, Commissioner*

### Administration for Community Living (ACL) grant

Recently, DAIL, in conjunction with Vermont Legal Aid (VLA), applied for and received a grant from the Administration for Community Living (ACL) in the amount of \$178,000/year for 3 years to further develop a coordinated and integrated legal services delivery system for at-risk adults (Those that are defined to have social or financial needs). This grant is specifically for older Vermonters and has ties to the Older Americans Act (OAA).

The 28 states that had received Phase I Model Approaches to Statewide Legal Assistance Systems grant funding were eligible to receive Phase II funding. Vermont is one of 6 that were awarded this grant. Phase I was to identify the unmet needs that at-risk adults face.

The Phase II grant is a cooperative grant between DAIL and VLA. Staff from both DAIL and VLA will be actively engaged in all of the grant activities beginning on or about September. The funding will be used to:

- Conduct a legal capacity assessment and identify the most critical legal issues that remain unmet
- Develop legal standards for intake and making referrals between partners
- Implement statewide data collection and reporting
- Develop legal services targeted to seniors through the use of “elder law specialists” and the statewide Senior Helpline, Vermont Law Help, as well as other low-cost or no-cost avenues (e.g. law school clinics, pro bono legal services)
- Build partnerships with Vermont Law School, the Aging and Disabilities Resource Centers, Adult Protective Services, Office of Public Guardian, the Alzheimer’s Association, the court system and others.
- Develop a statewide legal training agenda and deliver that training with the assistance of professionals and lay advocates. Topics to include, but not limited to: Long Term Care (LTC), home foreclosure, debt collections, fraud and exploitation.

### Personnel Updates

Jackie Majoros, the longtime State LTC Ombudsman, has announced her retirement. DAIL has worked closely with Jackie for many years, sometimes on the opposite side of the fence, but we have developed a strong relationship.

Angela Smith-Dieng is our new Director of the State Unit on Aging. She is the former Executive Director for the Vermont Association of Area Agencies on Aging. She will begin in her new role on July 18, 2016.

In the past year, the Traumatic Brain Injury (TBI) program was moved to the Adult Services Division (ASD) to provide it with better supports and resources. Andre Courcelle, the TBI Program Manager,

has recently been offered another position in ASD as the Program Quality Manager. Until the TBI Program Manager position is filled, Andre will continue to build upon that program, as well.  
Request for Proposal (RFP) for Receivership

The Receivership Statute, as it stands, gives us very limited authority and within the last year, this has put DAIL in a very vulnerable position. We have all the accountability without any authority. Deputy Commissioner George has issued a Request for Proposals (RFP) to receive bids to have someone (or an organization) from the outside to come and look inside and that can offer guidance on how to better write this statute and overall, improve our management of receiverships when they are necessary. We are currently at the “question and answer” phase of the bidding process. These will be posted on the State’s Electronic Bid System. Based on the questions that have been received so far, it looks like we may have a number of potential bidders.

#### SFY 18 Budget Build

Commissioner Hutt asked the Board to start thinking about how they could provide input to DAIL on budget priorities and legislative priorities. This is a transition year with a new Governor coming aboard. Appointed positions could definitely change, so to have the DAIL Advisory Board keep the priorities consistent is important.

#### DOL Overtime Rules

The new ruling for the Department of Labor (DOL) and overtime that is specific to staff for any of the providers, not just home providers. This has many potential budget impacts. We have been working with providers on how best to look at this since there are many different scenarios – pay the overtime, raise the salary to over the limit range. We are working very closely with DOL while the new rule is being interpreted. It is very complicated due to all the nuances.

#### Provider Rates

What was thought to be a 2% rate increase to developmental service providers was actually up to 2% and it was a specific amount. The Designated Agencies (DA’s) and Specialized Services Agencies (SSA’s) then set money aside for home and community-based services (HCBS). This rate increase will start in September. The intent of the increase was to help level the playing field since HCBS providers do not get an automatic rate increase like nursing homes.

#### Conflict Free Case Management

Vermont has been talking with the Centers for Medicare and Medicaid Services (CMS) for about a month around conflict-free case management. The regulations say that the same entity that provides case management cannot also provide the services. This is particularly difficult to align with in Vermont as we do not have the multitude of providers as other states. Until now, consumers

could choose who they wanted for a case manager and who they wanted for a provider. Now, this may not be a choice. In Vermont we only have two agencies for case management – the AAA’s or Home Health. When Home Health agencies provide case management, they also provide the services. The AAA’s may be affected by this change when it comes to Senior Companion – Beth Stern will look into this. Our approach to case management was described and approved by CMS 2 years ago when we went consolidated the Choices for Care 1115 waiver into the Global Commitment for Health 1115 waiver. Now we are back in discussions around the idea.

### **III. Division for the Blind and Visually Impaired (DBVI)– New Initiatives and Trends**

*Fred Jones, Director of DBVI*

DBVI’s outreach is all about empowering people that are blind or visually impaired. Their outreach materials state “You can achieve your employment and individual goals and DBVI can help” with the emphasis on “You” and “help”. DBVI wants people that receive their services to be responsible for what they can achieve and in turn, empowering them. They ask their clients to name their personal goals and then assist them to get there.

People that are aging usually experience some type of vision loss. This is particularly difficult since losing something you have had all your life is a very hard adjustment. No longer being able to read print or to drive is a huge loss.

DBVI developed a tool to best serve their clients. It is called the “Better Off” survey. It is a series of questions given to all clients once they have met their goals. Here are a few of the questions asked:

- What adaptive skills have you developed?
- What services did we deliver well?
- Were the services timely?
- Were they useful?

Having result based accountability lets DBVI fine tune how and when they deliver services – making the survey a fluid document.

DBVI also uses a video that shows people using technology. This helps to educate employers and the public. They have developed a collage of people with visual impairments working in different areas. Examples include a woman running a fully operational cafeteria, a man that works for Social Security using a computer, talking on the phone and dealing with the public. The collage includes a gentleman that teaches at Community College of Vermont (CCV), writing on the chalkboard and showing how he orients himself, showing how he has adapted.

As for new trends, technology has played a large role in this. There are several apps that help you take notes, read books, travel, read bar codes on food, the list is almost endless. Many of the apps are free, but if you require an app to reach your goals, DBVI, in some cases, can help defray that cost. Vermont has also revived Newsline during this legislative session. It is a phone service that helps

people that are print challenged – not only blind or visually impaired, but dyslexic or have a disability that prevents you from holding a printed document – it connects you with major and local newspapers and some magazines. It is so advanced that you can choose it to be read as a male or female, you can choose the voice to have an accent and many other choices.

#### **IV. Office of Public Guardian (OPG) Roles and Trends**

*Jackie Rogers, Director of OPG*

The Office of Public Guardian (OPG) provides guardianship to the older Vermonters with cognitive impairments and adults with developmental disabilities. There are 22 full time guardians in Vermont that currently serve 751 people. This incorporates both populations, but there are different statutes and court systems for each population. The areas of guardianship are broad – they include general supervision, medical/dental choices, end of life care planning, legal, lease agreements, financial (representative payee) and many other areas of choice. When asked if the guardians are generalists by population, Jackie said that they are not but they are going that way. Guardians for people with developmental disabilities have had to learn the role of an elder guardian as their client ages. So going forward, the expectation is that guardians will be generalists.

Jackie shared an Annual Review of a woman that came into guardianship about a year ago that has Down's Syndrome. This woman had been a caregiver to her mother who had Lyme disease. This woman came to OPG's attention through an Adult Protective Services (APS) investigation. Now that the mother could no longer care for daughter, her needs were not being met. The woman was isolated and not getting the services she required. They did not remove the woman from her mother's house. They had to go in and made sure to forge a relationship with the mother. It turns out, that through this situation the mother began to receive services and help in the home. The mother's dying wish was for her daughter to go and live at Heartbeet (a home community in Hardwick). Although OPG had some reservations about this choice of placement, there were aspects of it that were appealing. The woman was taken to Heartbeet for a visit and she decided that she this is where she wanted to live. The guardian made that happen. The young woman has moved in – although it is not clear that this will be a long term living situation. The story continues...

These annual reports are done on all of the people that OPG serves. But only the elder annual reports are given to the court. There is not a lot of on-going correspondence with the court once someone with developmental disabilities receives a guardian.

OPG also has some clients who are enrolled in a program called Project Search. It is a national model that works with students during their senior year of high school. If they are accepted into the program, they can spend their senior year at a business. During the year, they work under 3 different supervisors, doing 3 different areas of work. The placement rate after the program ends is 90%.

The trends of OPG is that they are seeing more petitions for guardianship, especially around the LTC Medicaid applications. The application is so daunting that many have started, but could not

complete it. But, there is a problem with this – the guardianship does not end once the application has been completed. During the assessment for guardianship other problem areas may be found. So, now the guardian must uphold these areas, too. And even if this is not the case, the process to undo guardianship is not an easy one.

Guardianship takes away people’s right to choose. So there has to be a better way for this application process to be handled. There is a universal misconception that guardianship is needed and it will solve the problem. There is now a Supported Decision Making Task Force in Vermont. Supported Decision Making could help replace guardianship and it would only be used for certain areas of decision and at certain times. Also, it is a myth that once a guardian is put in place, that all the challenging behaviors of the person in guardianship will go away. OPG cannot stop people from doing things – if they want to do something, they will find a way to do it.

## **V. Developmental Disabilities Services Division (DDSD) Update**

*Roy Gerstenberger, Director of DDSD*

### National Core Indicators (NCI) Survey

Roy shared a handout “What we have learned about National Core Indicators (NCI) Adult Consumer Survey”. These outcome measures have been in progress for quite some time. It has emerged as a real effort to focus on health care and managed care. It shows that we are recognizing how to support people in LTC and their quality of life. The focus of the survey was asking people what areas of life are important to you.

The survey showed consistency state to state and that is where it is most useful. It isn’t meant to compare one designated agency vs. another designated agency. The information gained needs to be looked at carefully. There could be more to the question than asked. For example, “Can you see your friends when you want to?” could have more to it than just “yes” or “no”. The survey should be gone through and have anecdotal information added to it. The way it is worded allows a surrogate to answer for them.

### Developmental Disabilities Case Management

In the system of Developmental Disabilities there is a regionalized, private provider case management, therefore, the case manager is a key role. If a direct service worker calls in sick, the case manager has to fill in if there is no replacement. They fill a large gap in services, so we rely heavily on them. With the new DOL Rule is likely to have quite an impact on DS in the coming year. Case managers that work a significant amount of overtime may not get paid for it. This is covering up a crisis in direct care. There are not enough people to provide the care to the people that need it.

## **VI. Board Updates**

*DAIL Advisory Board*

The University of Vermont (UVM) has hired Michael LaMantia, M.D., their first Geriatrician who will be overseeing the geriatric education and programming at UVM's College of Medicine and practice at the UVM Medical Center.

The Community for Vermont Elders (COVE) shared that there is a link about the new OT rule on the Vermont Nonprofit News website - <http://commongoodvt.org/vermont-nonprofit-news/>.

UVM is conducting an Alzheimer's caregiver survey. Jeanne Hutchins will send me the information to send out to the Board and other community partners. (post note: The survey deadline has been extended to September 1<sup>st</sup>. Survey can be found here: [http://act.alz.org/site/PageServer?pagename=walk\\_chapter&scid=1798](http://act.alz.org/site/PageServer?pagename=walk_chapter&scid=1798)).

**Meeting was adjourned**