

Testimony to House Human Services on Developmental Disabilities Services (DDS)

February 10, 2022

Monica White, DAIL Commissioner

Jennifer Garabedian, DDSD Director

Jeff Nunemaker, DDSD Assistant Director

Clare McFadden, past DDSD Director, current temporary employee

Introductions

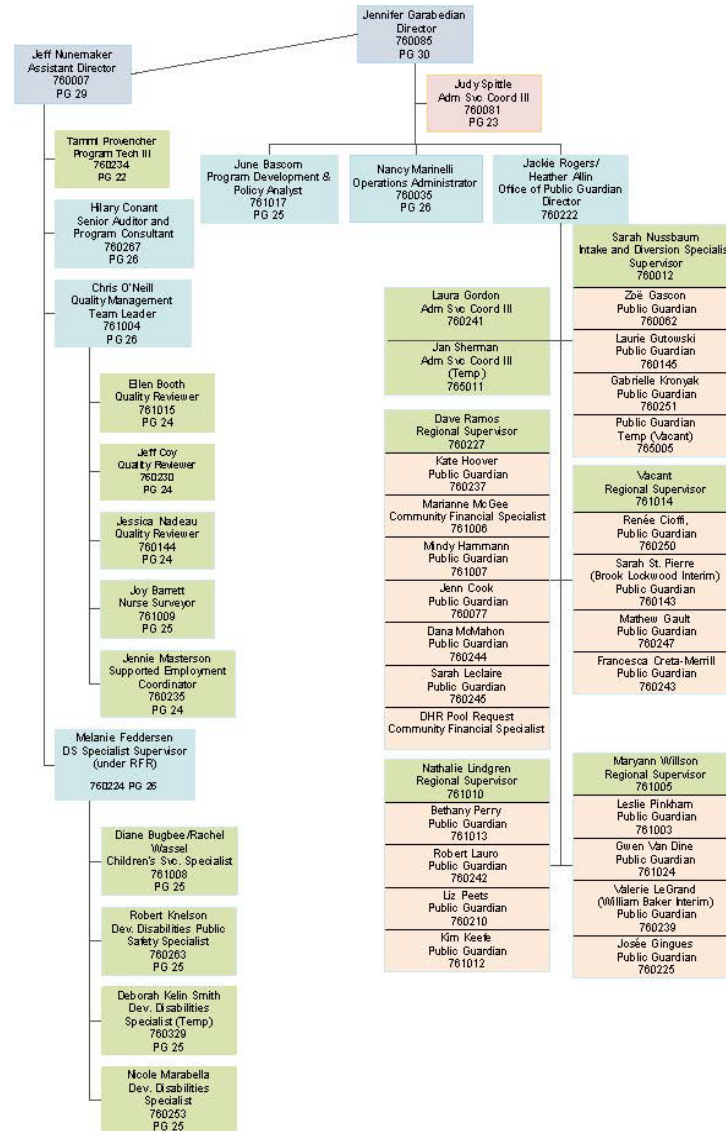
- HHS Committee
- Monica White, Commissioner
- Jennifer Garabedian, DDSD Director
- Jeff Nunemaker, DDSD Assistant Director
- Clare McFadden, former DDSD Director

DDSD Internal Operations Update

- Pandemic impact – health and safety focus
- DDSD experienced significant turnover in 2021, with 6 of 18 positions becoming vacant between June-November 2021, and 2 more in early 2022
 - Additionally, redeployment of two DDSD staff full time to COVID-19 response needs
- Looking ahead to 2022:
 - All DDSD vacancies have been filled
 - Hired three retired staff as temps to onboard new people and provide additional project based capacity
 - Reorg of DDSD reporting structure for greater sustainability
 - Long term succession planning and strategic prioritization

Developmental Disabilities Services Division (DDSD)

Organizational Chart



HHS requested DAIL provide information regarding:

- Description of the DDS System of Care Plan (SOCP)
- Process for creating/updating SOCP
- Eligibility/application process for DDS
- Description of housing options for people with developmental disabilities

Description of the System of Care Plan

- The DD Act of 1996 (<https://legislature.vermont.gov/statutes/chapter/18/204A>) requires the DAAL to adopt a plan every 3 years that describes the nature, extent, allocation and timing of services for people with DD and their families.
- In 2014, the DD Act was amended and now requires that certain categories of the plan be adopted through the rulemaking process. These include:
 - 1. Priorities for continuation of existing programs or development of new programs;
 - 2. Criteria for receiving services or funding;
 - 3. Type of services provided; and
 - 4. A process for evaluating and assessing the success of programs.

Description of the System of Care Plan, cont.

- This means that any changes in these categories must be included in the department's Regulations Implementing the Developmental Disabilities Act of 1996 (DD regulations)
<https://humanservices.vermont.gov/sites/ahsnew/files/documents/MedicaidPolicy/7.100%20final-clean.ddact-regulations-10-01-2017.pdf>.
- SOCP describes:
 - What services are available or will be developed
 - How people apply and can be determined eligible
 - How funding is authorized
 - Parameters for use of funding
 - How much funding is appropriated

Process for creating/updating SOCP

- Updated every 3 years, with annual updates, as needed
- Because of the change in 2014 which requires changes in certain categories to go through the rulemaking process, recent updates have required updating the SOCP and regulations at the same time.
- The rulemaking process generally takes 6-8 months.
- DDSD typically plans on 1 year for SOCP and regulations
 - Anticipated effective date of revision: Fall 2022

Process for creating/updating SOCP, cont.,

- DDSD conducts a review of Regulations and SOCP for needed updates
- Considers experiences over the past years and feedback provided by multiple stakeholders since last update, as well as new federal requirements
- DDSD drafts changes to Regulations
- Draft Regulations presented to DDS State Program Standing Committee (SPSC) for feedback
- Regulations sent to ICAR
- Regulations filed with Secretary of State's office
- Posted for comment in newspapers and on DDSD website

Process for creating/updating SOCP, cont.,

- Robust public input process including:
 - Public forums held around the state
 - Additional discussions with SPSC
 - Targeted outreach to specific stakeholders such as Green Mountain Self-Advocates
 - On-line surveys
 - Local system of care plans (paused for the 2022 update, due to pandemic pressures on providers and stakeholders)
 - Written comments
- Advertise all these opportunities to typical stakeholder groups

Process for creating/updating SOCP

- After close of comment period, DDSO required to review and respond to all public comment
- Changes made to regulations considering public comment
- Proposed rules sent to LCAR
- Another opportunity for public comment on redrafted rule at LCAR hearing
- Final rule enacted

Process for creating/updating SOCP, cont.,

- The rest of the SOCP, that is not required to be adopted by rule, is presented to the SPSC at least 60 days prior to implementation for input.
- Once priorities for services have been determined, the DAIL Commissioner considers funds available in allocating funding.
- Commissioner considers all the information gathered in the public input process in determining priorities for funding.

Current plan for updating SOCP and regs

- Current SOCP was adopted 10.1.17 to cover FY18-20.
- Requested extensions of current plan for FY21 and FY22
- Extensions needed due to significant impact of pandemic on both the State and stakeholders
- In addition, DDSD experienced significant turnover, with 6 of 18 positions being vacated since June 2021, and 2 more in early 2022
- Work by state staff on the SOCP has continued, despite the pandemic and turnover related challenges

Current plan for updating SOCP and regs, cont.,

- Three specific areas of focus have been brought to the Department for consideration in the Plan:
 1. Allowing parents to be paid with Medicaid funds for providing care to their children with DD,
 2. Housing and other support services specific to the needs of adults with autism, and
 3. Increased housing models for adults with developmental disabilities beyond those currently available.
- The Department agreed to consider these areas in the 2022 SOCP.

Current plan for updating SOCP and regs, cont.,

- DAIL has drafted proposed changes to the Regulations and plans to present these to the SPSC on 2/17/22
 - Proposed changes related to eligibility – clarifying language to include consideration of people with IQ test scores up to 75 from current 70
 - Updating the grievance and appeals section to align with federal rules for Medicaid
- Then we will follow the process as described previously for updating the regulations

Current plan for updating SOCP and regs, cont.,

- Plan for gathering input on the 3 areas of focus
 - Hold public forums for each topic to collect ideas to address issue
 - Provide additional opportunities for written feedback
 - Review previously collected information and feedback on these topics
 - Based on the above, DDSD will draft proposed ideas to address issues
 - Gather more feedback from stakeholders on proposed ideas, including soliciting feedback from SPSC 60 days prior to inclusion in a plan
 - DDSD to make decisions on what to include in the SOCP based on all feedback received
 - Additional changes to regulations may be required, which would include another round of public input

Eligibility and application process for DDS

- Person applies for DDS at the Designated Agency for the region
- Agency conducts a screening within 5 days to see if person is in crisis
- Intake process includes:
 - Gathering information and/or conducting assessment to determine if a person has a developmental disability (intellectual disability or autism spectrum disorder, deficits in daily functioning, onset prior to age 18)
 - Medicaid eligible
 - Assessment of need
 - Inquiring about what a person wants

Eligibility and application process for DDS

- If person is Medicaid eligible and has DD, DA reviews available services with person/guardian
- The SOCP includes the criteria to access each program, see section 4 https://ddsd.vermont.gov/sites/ddsd/files/documents/Vermont_DS_State_System_of_Care_Plan.pdf
- If the person wants Home and Community-based Services (HCBS), the DA reviews whether the person meets the criteria to receive HCBS and must submit a proposal for funding to the Local, then State funding committees.
- The funding committees (comprised of DDSD/SOV staff, provider representatives, consumer/family member) recommend to DDSD whether the person meets the criteria and if so what and how much service to approve

Eligibility and application process for DDS

- DDS then makes final decision regarding approval of an individual plan of services and funding
- For non-HCBS services (about 3% of DDS budget), DAAL allocates funding to each agency and the agency approves funding
- Application to a funding decision should be completed in 45 days
- Written notice of decision with appeal rights must be provided to applicant
- Individuals and guardians have the right to appeal any decision regarding funding or eligibility

Housing support options in DDS (FY21 data)

- 1,796 people received home supports in 1,553 settings (see additional handout for more detailed description of housing options)
- Supervised Living (270 served)
- Staffed Living (74 served in 59 homes)
- Group Living (84 served in 19 homes)
- Shared Living (1,368 served in 1,205 homes)
- An additional 328 individuals received home supports in their family home in FY21.

Plan to Develop Housing Support Alternatives

Develop strategy to identify innovative range of options and alternatives

- Use of Enhanced HCBS FMAP
 - Funding to assist with this work has been earmarked via BAA
- Engage stakeholders to assess system gaps (including targeted outreach to groups such as Green Mtn. Self Advocates)
- Outreach to identified/successful models to determine feasibility to meet the stated need(s) within Vermont DD Regulations and CMS guidelines/rules
 - Research/explore local and regional models
 - Consider national options

Stakeholder engagement process next steps and timelines: 4/15/2022