

DAIL Advisory Board Meeting Minutes
October 10, 2019
Sally Fox Conference Center, Waterbury

ATTENDEES

Board Members: Ruby Baker, Robert Borden, Nancy Breiden, Jim Coutts, Kim Fitzgerald, Jeanne Hutchins, Frances Keeler, Laura McDonald, Michelle Monroe, Delaina Norton, Diane Novak, Christine Scott, Beth Stern, Marie Zura

Guests: Lynne Cleveland-Vitzthum, Jill Olson, Sean Londergan, Toby Howe, Christopher Davey

State Employees: Megan Tierney-Ward, Liz Perreault, Kirsten Murphy, Camille George, Amy Marshall Carney, Jon Zehnacker, Cass Madison

Motion to Approve Minutes: September 12, 2019 minutes: Move to Approve: Christine Scott
Seconded: Robert Borden

Kim Fitzgerald asked for the following correction to the September 12, 2019 minutes:
Page 5, last paragraph – change to read that the Juniper House **breaks ground** instead of **opens** on September 26...

Abstained: Beth Stern, Nancy Breiden

Minutes are approved with change.

Ombudsman Conflict Free- Formation of Sub-committee:
Sean Londergan, State Long Term Care (LTC) Ombudsman

Sean Londergan, the state's LTC Ombudsman, addressed the DAIL Advisory Board to discuss the advisory board's role in ensuring that the LTC Ombudsman project is operating without organizational and individual conflicts of interest. The DAIL Advisory Board is asked to form a sub-committee that would work with the LTC Ombudsman and bring to the full advisory board an assessment and recommendation. Once the full advisory board considers the recommendation, a vote will be taken whether to certify that the LTC Ombudsman Project is operating without individual or organizational conflict of interest. If it is determined that the LTC Ombudsman Project is operating without a conflict of interest, a certificate from the advisory board is issued that will be included to the LTC Ombudsman Project annual report to the legislature.

The following DAIL Advisory Board members volunteered to become the sub-committee and work with Sean in order to determine that the LTC Ombudsman Project is operating without conflict of interest:

Fran Keeler

Ruby Baker

Diane Novak

Conversation with the (Acting) Commissioner Camille George, Acting DAIL Commissioner

Transition in Leadership:

Camille George took this opportunity to inform the advisory board of her decision to retire at the end of December. Camille recently celebrated her 30-year anniversary with the State of Vermont, with all those years in DAIL. She shared her gratitude for having been a part of the department for her entire career. Camille also articulated her deep appreciation for the DAIL Advisory Board and their commitment to the people they serve and the insight they share with the department.

It was just announced that Governor Scott has appointed a new Agency of Human Services (AHS) Secretary, Mike Smith. Mike Smith had been Secretary of AHS in the past as well as having done contract work with Department of Mental Health, has had personal experience with the foster care system and also hosted a radio show, Open Mike on WDEV.

With the new AHS Secretary named, Martha Maksym will move back to her position as AHS Deputy Secretary, Monica Hutt will move back to her position as DAIL Commissioner, Megan Tierney-Ward will again be the Director of Adult Services Division (ASD) and Angela Smith-Dieng will no longer be holding down two jobs. Angela will move from Acting Director of ASD to only being responsible for the Unit on Aging. This transition will take place on October 28.

Pillsbury receivership Update:

The Washington County Superior Court is now allowing the three Vermont residential care homes; Allenwood at Pillsbury Manor in South Burlington, Homestead at Pillsbury in St. Albans and Pillsbury Manor South in South Burlington to be put out to bid for new owners. During this process, DAIL will be consulted in reviewing the bids.

There was a mention of an auction in the court's announcement of the properties going out for bid. However, it is not clear what would be auctioned off. Camille George will look into this and report back to the advisory board.

This announcement from the court was on October 4. This is public and the bidding process will begin on Friday, October 11, 2019. Once there is a new owner, they will have to become licensed with the State.

Residential Care Regulations:

Residential Care regulations are being updated and draft regulations will be completed by January 2020. In the meantime, there will be discussions to understand the real cost of running a residential care home and what changes need to be made in the regulations. Currently there are 13 registered residential care homes and 118 long term care homes in the State of Vermont. Fire safety is one of the many things being looked at.

It would be important to have the team working on updating the regulations, come to the DAIL Advisory Board to discuss the possible updates.

Visitors from South Korea:

Vermont is considered to be on the cutting edge for providing supported employment to those with disabilities. Long ago, Vermont did away with closed workshops and integrated people into the community to work and earn a paycheck.

Through the Division of Vocational Rehabilitation and the University of Vermont, visitors from South Korea were invited here to learn about how Vermont implements this program and to understand why this program is so successful. South Korea now has 18,000 people in closed workshops, and they are interested in changing that.

State Fiscal Year Budget Development:

During the summer, the state has been working on two budget processes. First, the Governor's office asked that departments submit proposals for a 5-year strategic budget to include innovative proposals that could potentially improve services to Vermonters while slowing or reversing the current spending trajectory. The current trajectory is what is called an "alligator mouth" because the State's future anticipated expenditures continues to outpace the State's anticipated revenues. The goal is to ultimately get the alligator to have a smaller bite and bring the expenditures and revenues closer together. When proposed ideas to accomplish this are ready to share, they will be shared with the advisory board.

The second budget exercise this summer was to develop a level funded budget proposal for SFY21 which was submitted to AHS October 10, 2019. The Governor's office and the legislature both can make changes to the proposed budget before it is officially passed.

The most significant pressures that were identified in the DAIL budget are CFC and DS caseloads.

Acting Commissioner George reported that Monica Hutt, in her capacity of DAIL Commissioner, has had many conversations with Governor Scott and his office about Vermont's changing demographics and how those changes are affecting DAIL. As Vermont's older population grows, so does the pressure on the department to provide that population with services. Along with educating leaders on how the changes in the demographics affect the department, the initiatives that the department is working on is also in the forefront. Making Vermont an age friendly state and recognizing the

contributions older Vermonters and those with disabilities can provide Vermont communities are always topics that are being discussed with leaders.

Older Vermonters Act Working Group:

Governor Scott attended an AHS leadership meeting in which DAIL reminded the Governor about the work of the Older Vermonters Working Group (Act [172](#)) and the upcoming report that is due to the legislature on December 1, 2019. The leadership group also discussed with the Governor the impacts of asking for a level funded budget.

Integrated Eligibility & Enrollment (IEE) Project

Cass Madison, Deputy Commissioner of Department of Vermont Health Access (DVHA)

Cass Madison announced that she will be leaving state government in the next couple of weeks and introduced Jon Zehnacker as the new Deputy Program Sponsor IE&E.

A few months ago, Michele Betit came to the DAIL Advisory Board and presented how the financial decisions were made when reviewing for the Choices for Care (CFC) program. It was during this presentation that IE&E was mentioned and the advisory board asked to hear more about the project.

DVHA serves over 200,000 Vermonters with healthcare benefit needs every year. The current system to provide those services is difficult and cumbersome. Vermonters applying for benefits must provide personal and financial information multiple times if they are accessing more than one program. The goal of the IE&E project is to eliminate multiple applications to access help in the Vermont system.

Along with multiple applications that Vermonters are required to fill out, they are faced with lengthy approval processes, confusing information and a lack of understanding of the information they need to provide and a way to provide it. It is important that Vermont make changes to the current system to better serve Vermonters seeking to access programs.

Not only is the current system difficult for Vermonters trying to access programs, it is also challenging for staff. The current processes are manual in nature and there are multiple complex rules governing those processes.

When attempting to change a system, there can be considerable risk. There is potential to spend a large amount of money for a system that, in the end, doesn't work. That is why the approach to updating this system is going to be taken in incremental steps and be driven by the users and their feedback.

In the last two years, DVHA has made significant progress in developing a better system. To this point they have "stabilized Vermont Health Connect, met federal requirements for MAGI Medicaid,

implemented asset verification system, built new rules engine for health care programs and created four new products to be introduced in 2019.” (taken from Power Point presentation)

DVHA has worked with Centers for Medicaid and Medicare Services (CMS) and CMS has approved two years of funding for this project. The procurement process has included an expanded State IT retainer pool including vendors with user centered design expertise.

The roadmap includes 12 modules that will be slowly implemented. The focus will be on the modules that will bring DVHA into compliance with CMS rules and improve the customer experience. In time, the roadmap will evolve as the market, IT tools and customers change.

In order to provide Vermonters with user-friendly ways to apply for programs, the IE&E team have come up with the following product showcase: Self-service Document Uploader, Customer Portal and one application that connects to 5 different programs. All these products will soon be piloted.

This same presentation was given to the legislature and was well received. The future success of this system relies on securing a consistent funding stream to keep the technology updated. It's critical to have the legislature on board and educated in the importance of continuous funding to avoid gaps in technology that can lead to fraud and unnecessary costs.

APS Summary Report

Joe Nusbaum, Director of Division of Licensing and Protection (DLP)

Joe Nusbaum, Director of DLP, presented the Annual Report on, “Adult Protective Services for State Fiscal Year 2018, with a report date of June 13, 2019”, to the DAIL Advisory Board. The numbers in this report are for the year, 2018. This report had been mandated by the legislature but now is voluntarily being provided by DLP.

Joe went over DLP's staffing structure, services provided by Adult Protective Services (APS) and the intake and screening process. The report can be found here: <https://dlp.vermont.gov/aps/statistical-info>

Some take-a-ways from the presentation:

- The Mandatory Reporter Training webinar is being utilized by partners.
- The amount of APS reports keeps going up.
- Encouraging reporters to use the web intake is helpful because the web intake is very thorough and expedites the reporting process.
- At times a referral of abuse in a facility doesn't meet APS parameters and is referred to Survey & Certification to investigate.
- Most reports of abuse, neglect or exploitation come from community-based situations and not facilities.

- 60% of reports have a family member named as the alleged perpetrator and in these cases, there is often overlap between alleged perpetrator and alleged victim with a constant cycling.
- Financial exploitation is the most common report.
- Older Vermonters tend to be the most victimized population.
- The current APS caseloads are very high.

One improvement to the investigation of reports has been the extension of the 90-day requirement to have concluded an investigation. That timeline is now 120 days. The average time it takes to adequately investigate an unsubstantiated report is 95 days and 145 days for a substantiated. It takes more time to discover a preponderance of evidence that any reasonable person would conclude that abuse, neglect or exploitation has occurred. Occasionally, the DAIR legal unit is consulted on whether they concur that there is a preponderance of evidence in a case. There are very few cases that rise to the level of a criminal offence, but referrals are made to law enforcement frequently.

As awareness increases, more reports are made which translates into higher caseloads. There is also a rise in drug related crimes causing more cases of abuse, neglect and especially exploitation of vulnerable adults. The increased caseloads create a challenge to APS staff. However, the staff are passionate about the work and there is very little turnover. Because of the intensity of APS work, the use of the Employee Assistance Program (EAP) is always encouraged.

APS has a budget that is not based on the caseload, unlike other states. Currently, Vermont is .25 per capita in funding unlike the rest of the nation. It would help to have the approach to funding change to better reflect the amount of cases that are being investigated. If this change were to be made, it would have to be addressed when the statute is updated.

Ruby Baker expressed serious concern regarding the increasing caseload of APS investigators.

APS Restorative Justice Program (RJP) Grant:

This grant was pursued because it was seen as an opportunity to be able to better address perpetrators. APS uses a registry that a person who has been found to have committed abuse, neglect or exploitation. The person's name is added to the registry however, the only people that see that a person is on a registry is if a background check for employment is done. Otherwise, it is unknown to the general public. This is problematic in deterring people from recidivism because most perpetrators are family members and the abuse will typically happen in the community, not facilities. The registry is an antiquated deterrent because it was put into place approximately 40 years ago when most vulnerable adults were living in facilities, unlike today where most people are a part of our communities.

The proposed three-year pilot goals are the following (taken from APS RJP Grant Proposal Power Point):

- Serve both victims and perpetrators of maltreatment.
- Provide meaningful, strength-based participant driven response.
- Offer additional options to registry placement.
- Decrease recidivism rates among offenders.
- Reduce re-victimization rates.
- More closely align with community-based caregiving services.
- Implement nationally recognized best practices.

Anticipated Outcomes of APS RJP:

- Victims and perpetrators, upon successful completion of the program, will feel satisfied that the harm has been fairly addressed and appropriate reparations made.
- Vermont APS will see a decrease in repeat offenders and victims of maltreatment.
- Vermont APS will see an overall decrease in the number of non-professional offenders placed on the Vermont Adult Abuse Registry
- APS RJP will obtain funding to continue and expand throughout Vermont.

Once this program is up and running, Joe will come back to the advisory board to give an update on the progress.

APS Statute:

The APS Committee is starting the work of looking at what changes need to be made to the statute to best suit the needs of APS clients and staff. This update is at the very beginning stages of development.

DAIL Advisory Board Member Legislative Initiatives:

- Concern about the burden of cost doing background checks.
- CFC base increases.
- MOW increases.
- FML insurance.
- Older Vermonters.
- Having access to Ombudsman for DS population.
- Health care price transparency.
- Long term care.
- Medicaid rate increase.
- APS statute.
- Home delivered and congregate meal funding.
- Housing.
- Workforce issues.

DAIL Advisory Board Updates:

COVE is hiring a coordinator for Medicare Fraud Prevention for the Southern part of the state and COVE is looking for a person to do a 120-hour internship to study Alzheimer's and Dementia policy and practice.

Meeting was adjourned **1:30**