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Legislative Update March 29, 2016

House of Representatives Passes Budget with a 2% increase for Designated and Specialized Agencies

Last Week the House of Representatives passed the budget bill for fiscal year 2017 with a 2%, \$7 million total funds increase for designated and specialized service agencies. The final vote was 94 – 40, with no opposition to our Medicaid rate increase, although many republicans did question raising revenues. The Republican minority leader Representative Don Turner told VCP that he is supportive of the increase. Representative Gabrielle Lucke of Hartford did raise concerns about group therapy rates, but was told by Representative Mitzi Johnson that it was a necessary action by the Department of Vermont Health Access.

The Budget is now under consideration by the Senate where leaders have expressed interest in reducing the spending and revenue bills as passed by the House. **So advocacy to all 30 Senators for a 3% Medicaid rate increase for DA/SSAs will be very important.** A hearing by the Senate Appropriations Committee on the Budget will be held in the State House on April 5th.

Department of Disabilities, Aging and Independent Living Commissioner Monica Hutt will be testifying at the Senate Appropriations Committee on March 30th.

Senate Education Hears about the Howard Center and School Based Mental Health Services

Catherine Simonson, Chief Client Services Officer for the Howard Center, described the range of services for children provided by the Howard Center and the designated agency system. She agreed with recent testimony that there has been a dramatic increase of acuity in the children served. The younger children, in particular, are experiencing more adversity due to poverty and addictions. Catherine said ACES research shows that treatment can improve health in later life.

Success Beyond Six programs include treatment services and consultation by school clinicians. Plus, highly trained behavioral interventionists work one-on-one with students to reduce outside placements and help children stay in their classrooms. Howard Center serves 47 schools and 3,000 children each year, but interfaces with another 800 students through the school social workers. The crisis services provide interventions to individuals and families who are not enrolled as clients. It was noted that early childhood intervention could be better connected with the early child education. Catherine explained that Act 264 requires interagency coordination, but it could use some updating based on what services now exist.

Catherine highlighted work with children on the autism spectrum. The new DVHA requirements and funding structure has meant that funding has been cut by 60%. The Howard Center is committed to continuing to provide Applied Behavioral Analysis services through the end of this fiscal year, but is expecting to lose \$700,000. In June, they will be forced to tell the families that they will no longer be able to provide the services.

Committee Chair Anne Cummings has concerns about inconsistency in services for students in different locations across the state and wondered about creating incentives for schools to participate and cross silos. Catherine feels that the more that communities work together the more effectively they can utilize resources. She also referenced the challenge of financial sustainability of the designated agencies which is creating some challenges in meeting community needs, particularly for children.

Senate Health & Welfare Committee Takes up Workplace Safety Protocol Legislation

Susan Loynd, Director of Administrative Operations and Human Resources for Washington County Mental Health testified that the designated agencies are in support of the 'spirit' of this legislation. Many of the items listed in the bill are already current practice, including the four key tenets of workplace violence and prevention and crisis response policy:

- 1) Measures that will be taken to respond to a 'credible' threat,
- 2) A system to record credible threats,
- 3) A training program to educate direct support staff in ways to reduce risk, and
- 4) Developing and maintaining a policy, with direct staff input, for the benefit of staff providing direct services.

Our concern lies with the language: "ensure the policy is consistent with the US Occupational Safety and Health Administration's Guidelines" As Katie McLinn, legislative counsel, clarified during testimony these guidelines, 'are not binding, rather they are aspirational'. This leaves confusion; if the standards bear the weight of law and are enforceable, why do we need a separate statute? If the standards are truly guidelines, then why are they inserted into the bill?

After analysis, the State is no longer recommending the OSHA language. So, Susan explained that if the guidelines are suggestions, we are more comfortable with the language as is, if, on the other hand it is intended to be prescriptive and failure to follow the 60+ page guidelines will result in fines/penalties/sanctions, then we respectfully ask that language to be stricken. For example, completing a worksite checklist is fine, but what happens if we are found deficient in areas that we don't have adequate funding to provide; such as having an armed escort to our cars?

Susan shared that the designated agencies have organized a work group to create a work product incorporating those elements of the guidelines that we believe apply to the community mental health system. There is a larger need for community safety trainings. WCMHS shared their experience within Washington County, and their outreach to local libraries and other public facilities to offer them the tools to keep their staff, and the public safe.

If the bill passes as is with the current language, we recommend adding a 'resource component' and quantifying the dollar amount that would need to be appropriated to ensure that we can successfully comply with and meet the terms of the legislation. She echoed Senator McCormick's comment that this policy would not have prevented the recent tragedy at DCF.

Senate Health and Welfare Learns about the Outcomes of the Vermont Care Partner Network

The Director of Quality for Vermont Care Partners Cath Burns presented on the Quality and Outcomes work being done by Vermont Care Partners and our member agencies. Senator Ayer was interested in how we work as a system of care. Cath gave highlights from the Vermont Care Partners Outcome report including the Results Based Accountability measures of: how much did we do? How well did we do it? And is anyone better off? Cath spoke about our work with state government to align our reporting on outcomes as a component of our master grant requirements.

The Centers of Excellence measures will enable us to develop consistent quality of services across our provider network with support of the Jeffords Institute at UVMC. She shared that due to the work on data quality and increasing access to data through the data repository at Vermont Care Partners we will be able to run analysis without having to go to state government. There were questions about how we will participate in the Health Information Exchange. Cath explained that we are still working this out. It was emphasized that we are working hard on innovations to develop the best community based services possible. Cath explained this is all about improving the services to children, families, individuals and communities. Yes, it explains the value of the funding, but the top reason is about providing quality care.

Disability Awareness Day is a Big Success

Many advocates participated in Disability Awareness Day, including people served by designated and specialized service agencies, plus program and executive directors. During the course of the day they heard from many state leaders and held a press conference opposing a reduction in state benefits for hundreds of families on Reach Up. Unfortunately the \$1.6 million reduction made in fiscal year 2016 budget was carried forward in the fiscal year 2017 budget as passed by the House of Representatives. Under the new policy, if an adult in the household receives supplemental security income (SSI), a federal disability benefit, the household's monthly benefit is reduced by \$125. The annual cost to the 860 families impacted is about \$1,500 each.

Marijuana Public Hearing Scheduled

The House Judiciary and Government Operations committees are convening a public hearing on the legalization of marijuana for Thursday, March 31 from 5 p.m. to 7 p.m. at the State House.

Senate Passes Bill to Restructure the Agency of Human Services

Senate Appropriations Chair Jane Kitchel has proposed that the Agency of Human Services be divided into two separate secretariats. One would focus on Health Care and the other would focus on corrections, benefits and social services. Her feeling is that AHS is too big, accounting for almost half of the state's budget, with Medicaid expenditures draining resources away from other important needs.

The Governor and a few past Agency Secretaries disagree and feel that the move would create new silos in state government, making the integration of client services more difficult. Although the limited testimony taken on the bill was all in opposition to it, the bill sailed through the Senate with little discussion. The House Human Services and Government Operations Committees are expected to take the bill up soon.

DMH Requests that the Secure Residential Facility Remain in Middlesex for a Few Extra Years

The Department of Mental Health has requested approval for keeping the secure residential facility in Middlesex open until 2020, several years past the original planned shutdown. Commissioner of Mental Health Frank Reed is proposing that the new permanent facility have 16 bed and enable people to access the service who are in the custody of the Department of Corrections, as well as those who are in the custody of DMH. The town of Middlesex Select Board is asking for additional information before indicating their support for the proposed project. Among other things they want to know more about the state's criteria for the facility's residents.

To take action or for more information, including the weekly committee schedules:

- Legislative home page: <http://www.leg.state.vt.us>
- Sergeant-at-Arms Office: (802) 828-2228 or (800) 322-5616
- State House fax (to reach any member): (802) 828-2424

- State House mailing address (to reach any member):

Your Legislator

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- Email, home address and phone: Legislators' email addresses and home contacts may be found on the Legislature home page at <http://www.leg.state.vt.us>
- Governor Peter Shumlin (802) 828-3333 or <http://governor.vermont.gov/>

The purpose of the legislative update is to inform individuals who are interested in developmental, mental health and substance abuse services about legislative advocacy, policy development and activities that occur in the State Legislature. The Vermont Council is a nonprofit trade association whose membership consists of 16 designated developmental and mental health agencies.

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