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Legislative Update May 8, 2018

Legislative Action

House Health Care Reviews Capital Bill in Relation to Mental Health Capacity Development

This year's capital bill is an adjustment to the 2-year bill approved last year. Last year the bill called for the Commissioner of Buildings and Grounds to purchase land for the secure residential services. Additionally, the Agency of Human Services (AHS) was directed to develop a facilities plan for specific populations which was submitted in January.

The House capital bill has \$1 million for design of the new juvenile facility and \$600,000 for mental health therapeutic units in two correctional facilities. The care on these units will be below the level received in hospital inpatient units.

There is also \$4.5 million for Brattleboro Retreat for renovation and fit up. AHS Secretary Gobeille said the goal is to build a minimum of 12 new level-one beds. He said that as the Secretary he has tremendous responsibility for the fiscal health of this facility to ensure that we meet the mental health needs of Vermonters. Committee Chair Bill Lippert voiced his perspective that it's not the State of Vermont's responsibility to underwrite parts of the facility that don't meet the state's needs. The Secretary responded that we need to ensure, as a State, that the access is predictable in the short term; in the long term things may change. He added that it's why the strategic plan is important. The Brattleboro Retreat receives 50% of its revenues and 70% of its volume from the State of Vermont.

Peter Albert of The Brattleboro Retreat agreed that the Retreat is responsible for its own fiscal health because its mission goes beyond serving the state of Vermont.

The House Further Amends Mental Health Legislation

The House Health Care Committee reviewed and further revised amendments made by the Senate to S.203 an act relating to systemic improvements of the mental health system. The full House of Representatives approved the changes. The Bill now requires:

- The input of stakeholders, including patients, in the planning of the expansion of CVMC;
- The secure residential may be state operated
- AHS will consider if maintaining the current state-owned VPCH is a possibility
- UVM health network will be exempt from the requirement to secure a conceptual development phase certificate of need (CON) for expanding psychiatric beds at Central VT Medical Center – Green Mountain Care Board (GMCB) is setting up milestones for UVM Health Network to report to GMCB on architectural plans, financing and other preliminary information similar to the conceptual CON
- AHS will review information from DA/SSAs for setting payment rates, grant process and payment reform

- AHS will make a proposal to key legislative committees on the potential for GMCB to review DA/SSA budgets;
- AHS will report on whether the principles of Act 79 are reflected in current mental health system and where gaps exist
- There will be a status update on solutions for IMD limitations

During the Committee's discussions, the Committee Chair Bill Lippert said that the State would have to come to terms that they cannot require the same level of work without more money. Representative Doug Gage assumed that the goal of the GMCB language is to raise the pay scales. Representative Dunne went further by stating that the employees of DA/SSAs should be paid at same rate of state employees. Representative Lippert also wants the GMCB to become more familiar with the DAs and the work that they do.

Appropriations Update

The Committee of Conference for the Appropriations Bill began Meeting on May 4th. The Conferees are Senators: Kitchel, Sears and Westman and Representatives Toll, Fagan and Hooper. At this point, no major agreements have occurred. The House is putting together a proposal on mental health funding.

The Emergency Board will meet on FY'18 revenues only. A surplus in FY'18 revenues, most of which are one-time in nature, will enable the Legislature to use added funds to cover an overage in the Medicaid budget and to support the clean energy fund.

The Pay Act for state employees included COLAs of 1.35% awarded in January 2019 and January 2020 and step increases of 1.9% for those employees who are eligible for them July 2018 and July 2019. Exempt employees will receive step increases capped at 1.9% of \$90,000. The overall increase for employees is 2.57% in both FY'19 and FY'20.

Combined Independent School and Special Education Bill Approved by Senate

H.897 relating to enhancing the effectiveness, availability, and equity of services provided to students that require additional support and which included independent school legislation as passed by the Senate is under consideration by the House. The House Education Committee created an amendment that will be their starting place for conference committee. It establishes a Census Funding Advisory Group to plan for reforming how special education funding operates in the state, based on the recommendations of the District Management Group report. This advisory group has representatives from VISA, the Council of Independent Schools, and DMH. It also establishes the expectation that independent schools who accept public tuition dollars must enroll and provide services to students with disabilities (starting in 2023); "this requirement shall not apply" to independent schools who limit enrollment to students with an IEP or 504 plan. Here is the link:

<https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/House%20Education/Bills/H.897/Bills,%20drafts,%20amendments%20and%20summaries/H.897~James%20DesMarais~Draft%20No.%203.1,%205-2-2018%20-%20House%20Education%20Amendment~5-3-2018.pdf>

Trauma Legislation Ready for Conference Committee

The House Human Services Committee stripped away most of the Senate language on S.261 an act relating to mitigating trauma and toxic stress during childhood by strengthening child and family resilience. They eliminated program initiatives and funding for a trauma coordinator, as well as the legislative trauma work group. The revised bill wasn't passed by the House on Friday. Representative

Yacavone had developed an amendment to add \$19 million for earned income tax credits for low income Vermonters. The Bill is currently under review by the House Appropriations Committee and then will return to the floor for full Senate approval. The Senate Health and Welfare Committee is reviewing the differences in the House and Senate versions of the bill. A side-by-side comparison can be found here:

<https://legislature.vermont.gov/assets/Documents/2018/WorkGroups/Senate%20Health%20and%20Welfare/Bills/S.261/S.261~Katie%20McLinn~Side%20by%20Side~5-8-2018.pdf>

It is likely that a committee of conference will work through the differences.

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

- Legislative home page: <https://legislature.vermont.gov/>
- Sergeant-at-Arms Office: (802) 828-2228 or (800) 322-5616
- State House fax (to reach any member): (802) 828-2424
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- Governor Phil Scott (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 non-profit trade association which works in partnership with Vermont Care Network to form Vermont Care Partners. Together our mission is to provide statewide leadership for an integrated, high quality system of comprehensive services and supports. Our membership consists of 16 designated developmental and mental health agencies.