

## **Legislative Update for January 14, 2014**

### **Vermont Council of Developmental and Mental Health Services**

#### **In Remembrance of Senator Sally Fox**

The Vermont Council is deeply saddened by the death of State Senator Sally Fox. She was an intelligent, compassionate and forthright leader who cared deeply for those who experience mental health conditions, developmental disabilities and/or addictive disorders. A Board member of the HowardCenter, Co-chair of the Mental Health Oversight Committee and member of the Senate Health and Welfare Committee she never wavered in her commitment to improve the lives of others and worked on in spite of her struggle with cancer. We will miss her and remember her with both fondness and deep gratitude.

#### **Governor Shumlin Focuses on Addiction in State of the State Address**

On January 8th Governor Shumlin devoted his State of the State address to the opiate addiction epidemic. Referring to it as a public health crisis which impacts the safety and security of Vermonters, he said it is a chronic disease which must be prevented and aggressively treated. He sees treatment as a cheaper alternative to incarceration and noted that 80% of the incarcerated population is there due to addiction. Spending tax dollars more wisely is his goal.

The investment in expanding services will begin with \$200,000 in the fiscal year 2014 budget adjustment act to enable treatment centers and recovery centers to staff up.

In the 2015 budget request there will be \$750,000 for assessment, rapid intervention and then monitoring recovery of individuals who are arrested on drug related charges as laid out in Senate bill S.295. Enhanced treatment and intervention will be coupled with more advanced law enforcement data systems. Additionally, the Governor is proposing to enhance criminal penalties for crime when weapons are used in burglary and to target 'big time' sellers.

He concluded his speech by proclaiming that all Vermonters, including those born into poverty, should have the same opportunity as those who are more fortunate. Early childhood education, access to higher education, expanding job growth and universal health care will enable every Vermonter to have a chance for success.

The Council supports the Governor's proposal and will work with legislators to ensure that the proposed investment in treatment will achieve the desired goals.

#### **Human Services Secretary Racine reviews Budget Adjustment Request**

Doug Racine, the Secretary of the Agency of Human Services testified to the House Human Services Committee on the Budget Adjustment Act. He is proposing that \$175,750 in funding that had previously been proposed for the relocation and expansion of Maple Leaf Farm to the Pine Ridge Campus will be used to increase funding at the 11 Recovery Centers by 50%. The increase will annualize to \$351,500 in the fiscal year 2015 budget request. Currently, the recovery centers receive \$60,000 each. The conditions for the funding will include vigorous review of the outcomes of the services.

The fiscal year 2014 budget originally included \$50,000 for Boys and Girls Club for substance abuse prevention and \$50,000 for Court Administrator for substance abuse services in the Courts. The proposal in budget adjustment is to double these amounts, plus add another \$100,000 to deal with the

waiting lists for opiate treatment. The Hub and Spoke are up, but Secretary Racine acknowledged there are capacity issues.

Secretary Racine gave a brief summary of the DMH funding request and spoke briefly about opening the Berlin psychiatric facility.

#### **Department of Mental Health FY14 Budget Adjustment Request to House Human Services Committee**

Commissioner Paul Dupre presented details on the Department's budget adjustment request including eight AHS net neutral adjustments and several reductions related to the delayed opening date for the new hospital in Berlin. Budget increases include an additional \$413,000 GF for sheriff's supervision in hospital emergency rooms, \$478,000 for PNMI caseload increase, and \$2,831,000 GF for Success Beyond Six program growth with match paid by the local schools. Committee members challenged Commissioner Dupre about the projected timeline for opening the new hospital and urged the Department to expedite the process for hiring new staff.

Speaking on behalf of the Council Nick Emlen affirmed provider support for the Department's amended budget request. He suggested that alternatives to sheriff supervision in the ER may be possible in some circumstances and that Council groups will work to develop recommendations. Nick framed the major increases in the context of three policy themes: 1) building upstream services to produce better long term results at lower cost; 2) strengthening community capacity that will free up hospital inpatient beds for those who need them the most; 3) bridging the next eight months until the opening of the new hospital.

#### **The Governor's Proposal for Pre-trial Services Presented by Bobby Sands**

On Behalf of the Shumlin Administration Bobby Sands presented on Pre-trial Services to several legislative committees. The program is voluntary and presumption of innocence is given to the participants. Referrals are made to community programs based on assessed needs and risks. The Court monitor tracks the person's progress and informs the Judge. Non-compliance results in sanction from the Court. If the person is convicted of a crime, the prosecutor may amend the charges and the Judges will take into account progress made on addiction issues. Some individuals who use pre-trial services may still receive sentences.

New Components of the Program:

- Statewide pretrial screening and risk assessment
- Bail decisions informed by risk and assessment
- Pre-trial monitoring of released defendants

Senator Sears asked if there are enough services to fill the demand and was told that the Governor's budget will address this. Sears said in Bennington there is no waiting list because there is no program to wait for. The train the trainer on the ORAS is in progress and is being coordinated by the Court Administrator's office to develop the skill base for the assessments.

Commissioner Andy Pallito testified that he expects a reduction in the number of detainees and a reduction in recidivism over time as a result of these services.

There will be an RFI for substance abuse services for this population. The pre-trial service monitors will be employees of the Department of Corrections.

Legislative Counsel Michelle Childs walked through a newly redrafted version of S.295 which will create a statutory foundation for the pre-trial initiative.

### **House Institutions and Corrections Reviews SFI Legislative Committee Report**

Katie Lynn presented the highlights of the SFI (Severely Functionally Impaired) Legislative Committee Report. The Committee focused on community supports, including people with public safety risks. Recommendations were expected to stay within current appropriations. There were 14 recommendations. The ones of interest to the House Institutions and Corrections Committee include:

1. SFI designation should only be used within correctional facilities
2. Reentry planning will be based on tools that measure functioning and risk
3. The contract for health care services should be with in-state providers to improve continuity of care
4. There should be exploration of how to reimburse DAs for reentry planning
5. Expand the use of the sequential intercept to achieve statewide coverage, especially treatment courts

There has been no discussion of introducing legislation at this time.

### **Commissioner Wehry Details Budget Adjustment to House Appropriations**

DAIL Commissioner Susan Wehry informed the Committee that all designated and specialized services agencies received target numbers in October for the \$2.32 million rescission. The changes went into effect January 1st. Agencies made the reductions with the goal of minimizing impact on clients, but 524 were affected. 220 did not have an impact on their current services that they are actively using. Agencies gave some people a needs assessment and then made reductions based on the reevaluated needs. For 305 others services were reduced across the spectrum of services based on interactions with them. Commissioner Wehry believes that there is general agreement that we don't know what the impact of the rescission on the system or the individuals in it will be. We have an obligation to monitor the effect, she offered, but on balance this has not hurt people. The people whose budgets were impacted had a clear voice she told the Committee.

Representative Kitty Toll spoke about a letter from the guardian for a person whose services were reduced and who was not involved in the decision. Follow up will be done by the Commissioner, Council and Agency involved to better understand the circumstances.

There was a question about the Impact of the rescission for the next fiscal year - will the amount be doubled when annualized? It did not appear from Susan's answer that they plan to double the rescission. Committee Chair Martha Heath made it clear that the annualized cut is not meant to be \$4.6 million. The fiscal year 2015 caseload request was developed in cooperation with Joint Fiscal Office.

### **House Appropriations Committee Public Hearing on Budget Adjustment Act**

Nicole LeBlanc spoke about the developmental services rescission. She noted that this is the 6th reduction during the last 5 years. The state should manage to need, not money and keep the commitment made when Brandon was closed. She suggested that unspent SFI funds be used to reduce the rescission. She would like greater legislative oversight of the rescissions.

Karen Schwartz of the Developmental Disabilities Council also raised the idea of using the SFI unused funds for developmental disabilities. She asked the legislators to oversee the reductions, as well.

Julie Tessler of the Council gave an overview on the developmental services rescission highlighting how the reductions reduce the stability of people served with reductions in respite and crisis services, higher caseloads for case managers and less staff time to monitor quality of community services. See attached testimony.

Julie Martin the Director of the developmental disabilities services program at WCMHS spoke about the impact of the reductions that have occurred year after year and how it has eroded services; both the level and quality of services have diminished. Case managers are being asked to do more. Home providers are now hiring and training workers. There are reduced resources to develop jobs.

### **Secretary Doug Racine AHS Outcomes Scorecard Presentation to Legislators**

With support of key staff Shawn Skafelstead, Monica Hutt, Susan Bartlett, Drew Riesling, Secretary Racine presented the AHS scorecard as a work in progress. He explained that it is connected to the strategic plan and Results Based Accountability. There is a focus on both population and program outcomes. He noted that the non-profits are working on this too and that the Council is cooperating with AHS. The information generated will help set priorities for the budgeting process.

Drew Riesling presented an overview on RBA population and performance accountability.

Julie had an opportunity to discuss the use of RBA at individual DAs, our work to develop system wide measurements and the current use of performance measures in the AHS contract with designated agencies.

Currently, AHS is using population based measures in response to the outcomes which have been legislated and which have been included in the Governor's strategic plan. County level data is not available for all indicators.

The four results wanted:

- Vermonters are free from the impacts poverty
- Vermonters are healthy and safe
- Vermonters have access to health care
- Programs are effective and accountable

There are indicators for each result. AHS began with indicators which have communication power, proxy power and data power (reliability). Doug Racine was clear that this work requires a collaborative partnership and includes community partners. For each outcome there is a lead Department. Drew specified that this should be a positive process and spoke about telling the story behind the measures. Doug wants aggressive targets. Drew described how the data can be used as a foundation for strategizing and collaboration at the county and state level. Each county will have its own scorecard. AHS will take cyclical review of statewide data, strengthen cross-department conversations and planning. The Secretary was clear that the goal is to improve services. Julie Tessler has given the Secretary and Drew Riesling an update on the Council's efforts to develop outcome measures.

### ***This Week's Schedule***

#### ***House Committee on Appropriations***

*Wednesday, January 15, 2014*

11:00 AM Governor's Proposed FY 2014 Budget Adjustment  
Human Services -- General Assistance - Housing  
David Yacovone, Commissioner, Department for Children and Families  
1:00 PM Governor's Proposed FY 2014 Budget Adjustment  
Committee Discussion  
2:00 PM Joint Assembly  
Governor's Budget Address  
15 minutes after floor Governor's Proposed FY 2015 State Budget  
Overview  
Jeb Spaulding, Secretary, Agency of Administration  
James Reardon, Commissioner, Department of Finance & Management

### **House Committee on Corrections and Institutions**

Tuesday, January 14, 2014

2:30 PM S. 295 - An act relating to pretrial services, risk assessments, and criminal justice  
programs  
Committee Discussion: Role and jurisdiction of HC&I

Wednesday, January 15, 2014

10:00 AM Update from Department of Corrections  
Strategies to deal with an aging population in Vermont Corrections; changes in  
recidivism rate since legislation was passed; insights into changes in the detainee population since the  
fall  
Andy Pallito, Commissioner, Department of Corrections

### **House Committee on Human Services**

Tuesday, January 14, 2014

10:00 AM FLOOR  
15 min. after floor Review of FY '14 Budget Language  
Choices for Care  
Jennifer Carbee, Legislative Counsel, Office of Legislative Council  
Budget Adjustment Proposals  
Department of Disabilities, Aging and Independent Living  
Dr. Susan Wehry, Commissioner, Department of Disabilities, Aging & Independent Living  
Community of Vermont Elders  
David Mickenberg, Lobbyist, Community of Vermont Elders  
Vermont Developmental Disabilities Council  
Karen Schwartz, Executive Director, Vermont Development Disabilities Council  
Vermont Council of Developmental and Mental Health Services  
Julie Tessler, Director, Vermont Council of Developmental and Mental Health Services  
2:30 PM Opioid Addiction Treatment Programs  
Reallocation of contingent money for residential beds in the budget adjustment

*Jack Duffy, Executive Director, Valley Vista - via phone*  
*Bill Young, Director, Maple Leaf Farm*  
*Mark Ames, Network Coordinator, Vermont Recovery Network*  
3:15 PM                      *Committee Discussion*

*Wednesday, January 15, 2014*  
3:30 PM                      *Budget Adjustment Proposals*  
                                    *Finalize BAA Memo*

*Friday, January 17, 2014*  
9:30 AM                      *FLOOR*  
*15 mins after floor adjourns Health Care Oversight Committee Report*  
*Sen. Virginia "Ginny" Lyons, Chair, Health Care Oversight Committee*  
*Jennifer Carbee, Legislative Counsel, Office of Legislative Council*

1:00 PM                      *Study Committee on Providing Community Support to Persons with Serious*  
*Functional Impairments Report*  
*Rep. Sandy Haas, Co-Chair, Study Committee on Providing Community Support to Persons with Serious*  
*Functional Impairments*  
*Katie McLinn, Legislative Counsel, Office of Legislative Council*  
3:00 PM                      *Adjourn*

### ***Senate Committee on Appropriations***

*Tuesday, January 14, 2014*  
3:30 PM                      *Governor's Proposed FY 2014 Budget Adjustment*  
                                    *Agency of Human Services--Overview*  
*Doug Racine, Secretary, Agency of Human Services*  
*Jim Giffin, Chief Fiscal Officer, Agency of Human Services*

4:00 PM                      *Governor's Proposed FY 2014 Budget Adjustment*  
                                    *Corrections*  
*Andy Pallito, Commissioner, Department of Corrections*  
*Matt D'Agostino, Financial Officer, Department of Corrections*  
*Jim Giffin, Chief Fiscal Officer, Agency of Human Services*

*Wednesday, January 15, 2014*  
2:00 PM                      *Governor's 2015 Budget Address*  
                                    *Joint Assembly (House Chamber)*

3:00 PM                      *Governor's Proposed FY 2014 Budget Adjustment*  
                                    *Health Department*  
*Harry Chen, Commissioner, Department of Health*  
*Barbara Cimaglio, Deputy Commissioner, Alcohol and Drug Abuse Program, Dept. of Health*  
*Paul Daley, Director of Administrative Services, Department of Health*  
*Jim Giffin, Chief Fiscal Officer, Agency of Human Services*

Thursday, January 16, 2014

3:00 PM Governor's Proposed FY 2014 Budget Adjustment  
Overview

James Reardon, Commissioner, Department of Finance & Management  
Sarah Clark, Deputy Commissioner, Department of Finance & Management

Friday, January 17, 2014

1:00 PM Governor's Proposed FY 2014 Budget Adjustment  
DAIL

Susan Wehry, Commissioner, Department of Disabilities, Aging & Independent Living  
Bill Kelly, Business Manager, Department of Disabilities, Aging & Independent Living  
Jim Giffin, Chief Fiscal Officer, Agency of Human Services

2:00 PM Committee Discussion

### **Senate Committee on Health and Welfare**

Wednesday, January 15, 2014

Joint Meeting with Senate Judiciary- Room 11

8:30 AM S. 287 - An act relating to involuntary treatment and medication  
Introduction

Sen. Jeanette K. White

- S. 287 - An act relating to involuntary treatment and medication  
Overview of involuntary treatment and medication; walk through of bill

Katie McLinn, Legislative Counsel, Office of Legislative Council

Erik FitzPatrick, Legislative Counsel, Office of Legislative Council

10:30 AM S. 287 - An act relating to involuntary treatment and medication  
Review of Data

Paul Dupre, Commissioner, Department of Mental Health

11:00 AM S. 287 - An act relating to involuntary treatment and medication  
Ethics of Involuntary Medication

Dr. Robert Macauley, MD, Clinical Ethicist, Vermont Ethics Network

11:30 AM S. 287 - An act relating to involuntary treatment and medication  
Committee Discussion, Next Steps

Friday, January 17, 2014

9:15 AM Mental Health Oversight Committee Report

Rep. Ann Pugh, Vice Chair, Mental Health Oversight Committee

Katie McLinn, Legislative Counsel, Office of Legislative Council

10:15 AM Public Records Exemptions

*Health-related exemptions*

*Helena Gardner, Legislative Counsel, Office of Legislative Council*

**Senate Committee on Judiciary**

*Wednesday, January 15, 2014*

*8:30 AM Joint Meeting with Senate Health and Welfare  
Room 11*

*- S. 287 - An act relating to involuntary treatment and medication  
Introduction*

*Jeanette White, Senator, Windham County*

*- S. 287 - An act relating to involuntary treatment and medication  
Overview of involuntary treatment and medication; walk through of bill*

*Katie McLinn, Legislative Counsel, Office of Legislative Council*

*Erik FitzPatrick, Legislative Counsel, Office of Legislative Council*

*10:30 AM S. 287 - An act relating to involuntary treatment and medication  
Review of Data; Ethics of Involuntary Medication*

*Nick Nichols, Policy Director, Department of Mental Health*

*Dr. Robert Macauley, Clinical Ethicist, Vermont Ethics Network*

*11:30 AM S. 287 - An act relating to involuntary treatment and medication  
Committee Discussion*

**For more information or to take action:**

- 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):  
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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 non-profit trade association whose membership consists of 16 designated developmental and mental health agencies.

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