



Supporting Vermonters to lead healthy and satisfying lives community by community

Legislative Update for January 19, 2021



The COVID 19 pandemic has changed the focus of Vermont Care Partners' advocacy efforts as our provider network has revamped our services to meet the needs Vermonters in new ways with careful precautions for health and safety of those we serve, our workforce and partners. Legislative work is still being conducted remotely.

WHAT HAS HAPPENED IN THE LEGISLATURE SINCE JANUARY 6TH

New Biennium

On January 6th the Vermont Legislature convened the new 2021 – 2022 biennium, The Governor gave his inaugural address, and the legislative leaders presented their priorities. All of them have set limited expectations for the policy work during the session due to the need to focus on COVID and a significant budget shortfall.

Pressures and Challenges of 2022 the Budget – Expect a State of Flux

Steve Klein, the Director of the Joint Fiscal Office (JFO) presented to the Appropriations Committees on the new COVID Relief Funding which is expected to arrive the 3rd week of January. The guidance will be written by the Trump administration but could change when the Biden administration comes into power. The legislature will have the authority to appropriate approximately \$650 million in new funds. It is expected to bring approximately \$9.5 million in substance abuse and mental health funding to Vermont and includes funding for vaccinations, rental assistance, broadband, schools and higher education. Other federal funds like the payroll protection program will be distributed in Vermont through other avenues. The act also enables Vermont to extend the timeframe for spending the remaining \$10 – 30 million left over from the original \$1.25 billion Corona Virus Relief Funds (CRF).

For more detail please see this summary by the Joint Fiscal Office:

https://ljfo.vermont.gov/assets/Subjects/HR-133-Federal-Covid-19-Economic-Relief-Bill-December-2020/499ca3cf06/GENERAL-352035-v1-Issue_Brief_HR133.pdf

There is likely to be another federal relief bill with added funding for states within the next month. With the Democrats becoming empowered in the Senate, Senator Leahy will be chairing the Senate Appropriations Committee and Senator Sanders will be chairing the Senate Budget Committee. This should be beneficial for federal appropriations to Vermont. Due to new federal funding anticipated, the state revenue forecast will likely increase dramatically from the August projection which was lower than it had been the previous January. There is an assumption that the enhanced federal match for Medicaid will continue through the end of the fiscal year, bringing in \$40 million into Vermont over normal federal Medicaid funding. A new projection will be released on January 19th, but the revenue and budget pressures are in flux and will continue to be for the first part of the legislative session.

The FY21 budget adjustment request was released by the Scott Administration. It does not impact the developmental, mental health or substance use disorder services.

House Appropriations Receives Overview of AHS CRF Expenditures

Sarah Clark, the Chief Financial Officer for the Agency of Human Services (AHS), gave an overview of the \$400 - 450 million of COVID relief funds (CRF) received. Designated and specialized service agencies (DA/SSAs) received a total of \$19.7 million. Here is a link to her excellent summary of expenditures: <https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Health%20and%20Welfare/COVID-19/W~Sarah%20Clark~Agency%20of%20Human%20Services%20COVID-19%20Response%20and%20Relief~1-14-2021.pdf>

House and Senate Committees on Health and Human Services Learn about CRF

The House Committee on Health Care and House Committee on Human Services joined the Senate Health and Welfare Committee for testimony on CRF expenditures. Mental Health Commissioner Sarah Squirrell and Disabilities, Aging and Independent Living Commissioner Monica Hutt described how they worked together to ensure that the systems of care were there to support vulnerable providers. Sarah thanked the service providers and spoke about the early response to the COVID pandemic. She said the value-based payment system was used to ensure continued payments including telehealth. They stabilized the workforce with hazard pay and with stipends for families and shared living providers. Additional investments included:

- \$500,000 added for suicide prevention.
- \$300,000 Pathways for Housing warmline expansion – will continue with SAMHSA resources.
- \$100,000 increase for eldercare program for homebound elders.

Commissioner Hutt pointed out the mental health challenges caused by COVID on older Vermonters and people with disabilities, noting that isolation affects physical health and will have a long-term impacts. Access to services has been challenging with some individuals not receiving needed services. For instance, the pandemic has reduced employment supports. Monica gave credit for innovative approaches such as services delivered telephonically to meet needs.

Speaking for Vermont Care Partners, Julie Tessler expressed gratitude for the flexibilities and resources granted to DA/SSAs to meet the needs of Vermonters with developmental, mental health and substance use disorders by the Legislature and state government. Heidi Hall, the Chief Financial Officer for Washington County Mental Health Services (WCMHS) spoke about the range of resources from federal and state government, as well as from community partners. She highlighted the case rate for school-based services which helped mitigate the losses from school-based services but ended in June. She acknowledged that we are not able to work with students in the same ways as we once did. Mary Moulton, executive director of WCMHS, explained how we needed to be there to help people stay in the

community safely. We had to learn new ways to reach out to our communities. The hazard pay enabled our ability to maintain crisis supports and residential beds. PPE was key, but costly. The telehealth pivot was tremendously important to maintaining case management and therapy. Funds were used to purchase equipment and connectivity for staff and clients. Some agencies rented spaces to enable connectivity. Additionally, new arrangements for transportation were necessary. Agencies purchased tents and heaters, plus bought supplies for homes. We reached out to people living in hotels who have significant needs for housing, nursing, mental health, safety, case management, etc.

What DA/SSAs need to meet the service needs of Vermonters:

1. Access to vaccines
2. Resources to address an explosion of mental health needs.
3. More nurses and clinicians for all populations served: children, adults and people with developmental disabilities.
4. Support to achieve market rate salaries – people are refusing jobs because of pay levels.

The Chair of Senate Health and Welfare, Senator Lyons, replied that she is looking forward to further discussion and she will work with us on workforce and salary issues.

House Human Services Hears Introductory Remarks by AHS Secretary Mike Smith

Mike Smith, Secretary of Human Services gave an overview of the Agency for the House Human Services Committee. He spoke about his own life journey and how the goal of AHS is to support people through their struggles. He pointed out that mental health is the cornerstone of health.

At this time, his priority is stamping out the pandemic. He also spoke about the reboot of the All Payer Model which includes bringing the AHS components together. He said the value-based payment system was critical in maintaining our health care system during the pandemic. Fee-for-service payments are perverse to cost control.

AHS is proposing restructuring the Department of Children and Families (DCF), including moving early childhood mental health programs to the Department of Mental Health (DMH). The plan is to initiate discussions during this legislative session but not to make any immediate structural changes.

He spoke about the hotel/motel housing system eliminating homelessness during the pandemic. The goal is to get families into permanent housing – not to warehouse people. The Secretary wants them to have affordable and permanent homes with the services they need.

Human Service Committee Review of Potential Legislation

The House Human Services Committee discussed potential legislation that might come up this session. Representative Theresa Wood, the new Vice Chair of the Committee, is working on a bill on involuntary sterilization of people with developmental disabilities.

Representative Topper McFaun said he established a working group with the Commissioner of DAIL and representatives of DAs to address people age 18 and over with autism. There is a problem with families who are getting older who want to ensure that when they can't take care of their children there are services to meet their needs. He said we need a good comprehensive discussion about how these people are being served.

Senate Judiciary Committee Plan to Return to Insanity and Competency Issues

The Senate Judiciary Committee reviewed S.3 which is identical to S.183, a bill passed by the Committee and full Senate last year. The bill calls for DMH and the Department of Corrections (DOC) to address issues of insanity and competency in the court system, as well as to develop an evaluation of the DOC mental health contracted services.

According to the bill, DMH will become part of the hearings once sanity and competency is determined. DMH supports separating competency and sanity reports. They also want the ability to participate in hearings and determine the best location for treatment for individuals that will be put in the care and custody of the Commissioner. They support the language that requires when DMH discharges individuals from secure settings that they will notify the state's attorney for victim notification. Deputy Commissioner of Mental Health Mourning Fox doesn't see a conflict with HIPAA, but how the information is shared is a concern and the information must be limited to indicating that the individual was discharged from a secure facility only. DMH is glad to work with DOC to evaluate mental health services in the correctional facilities. Senator Sears believes DAIL should be involved due to care for people with developmental disabilities and traumatic brain injury.

DMH supports developing a forensic working group and is interested in developing competency restoration programming. Vermont is an outlier for not having a forensic facility. Vermont Psychiatric Care Hospital risks losing federal funding if it does not provide active treatment for fall patients. The forensic population strains this requirement. Senator White recommends considering coordination with NH which does have a forensic facility.

ADVOCACY EVENTS and INFORMATION

Mental Health Advocacy Day

Monday, February 1, 2021 - 10:00 am-2:00 pm

"Our Mental Health in the Time of COVID"

Virtually by Zoom

We are looking forward a virtual Mental Health Advocacy Day in 2021. We hope that you will be involved. We will begin the morning with welcome addresses from state leaders and a keynote plenary session. The afternoon will be an opportunity for the community to share their mental health experiences and stories.



Keynote Speaker: Chackupurackai Mathai - *"Embracing Our Lived Experience Leadership"*

Description: Chacku will speak about embracing our lived experience and harnessing it to inform and empower our advocacy.

Biography: Chacku is an Indian-American, who first became involved in consumer/survivor/ex-patient advocacy and peer support when he was 16 years old. Chacku's personal experiences with racism, xenophobia, racialized trauma, suicide attempts, and disabling mental health and substance use conditions, including psychosis as a youth and young adult, launched Chacku and his family towards a number of efforts to advocate for improved services, social conditions, and alternative supports in the community. He has since accumulated 35 years of experience in a variety of roles including youth leadership, community organizing/advocacy, direct service, training, peer support program leadership, as well as international, national, statewide, and local board governance and executive leadership roles.

[REGISTER NOW - FOR THE DAY OF THE EVENT – FEBRUARY 1](#)

ADVOCACY TRAINING:

1. NAMI Vermont Legislative Advocacy Training – Saturday, January 23, 2021 – 9 am-Noon – [Click here to learn more and register...](#)
2. Vermont Care Partners Legislative Advocacy Training – Weds., January 27, 2021 – 12-1:00 p.m. [Click here to Register](#) or [Learn More...](#)
3. Mental Health Advocacy Day Legislative Training with Peter Mallary and Ed Paquin – Weds., January 27, 2021 – 4:00-5:30 p.m. [Click here to Register.](#)



TESTIMONY: Do you want to share testimony between Feb. 2-5 with House or Senate Committees? [Click here](#) to sign up by January 18th. Please note that testimony is at the discretion of the Committee Chairs.

REGISTER TO SHARE YOUR STORY: Attendees have the opportunity to share their lived experience story, poem, or other insights at the event. Each participant will have 3-5 minutes. [Click here to register](#) to share your story. [Click here](#) for guidelines on pre-recording your video.

WHO SHOULD ATTEND: Mental health advocates, peers, family members, professionals, providers, community members and mental health stakeholders.

2021 AGENDA: [Agenda](#)

- 10:00 am ~ Welcome and Introductions (Peter Mallary, Julie Tessler, Laurie Emerson)
- 10:15-11:00 am ~ Welcome Address from State Leaders – Live and pre-recorded (to be invited)
 - Governor Phil Scott
 - Lt. Governor Molly Gray (confirmed)
 - Secretary of Human Services Mike Smith
 - Senate President Pro Tempore Becca Balint
 - Speaker of the House Jill Krowinski
 - Commissioner of Mental Health Sarah Squirrell (confirmed)
- 11:00 am-11:45 am ~ Keynote Plenary Session: [Chacku Mathai](#)
- 11:45-12:30 pm ~ Lunch Break
- 12:30-2:00 pm ~ Sharing Stories – Live and pre-recorded (register above)
- Feb. 2-5: Committee Testimony

Information on Your Senators and Representatives

Follow this link to determine your legislators and access their contact information. Legislators are listed both by DA/SSA and by the Committee they serve on. Please note there are new legislators on committees that have purview over policy and funding for the Vermont Care Partners network.

[2021 Legislative Committees by DA-SSA.xlsx](#)

Action Circles Calendar

Action Circles maintains a calendar of Legislative breakfasts and events. This information can be found at: <https://www.action-circles.com/legislator-events/>

Watch the Vigil live
at the Vermont
Affordable Housing
Coalition's YouTube
Channel!



Agenda includes...

- Committee testimony
- Commemorative Vigil
- Call-in/letter writing campaign
- ...and more!

VERMONT VIRTUAL HOMELESSNESS AWARENESS DAY AND VIGIL

Join homeless and formerly homeless Vermonters, service and shelter providers, and housing advocates from across the state to reflect on all we must do in the coming year to end homelessness in Vermont.

For more information, contact Erhard Mahnke (erhardm@vttaffordablehousing.org) or Kara Casey (kara@vtnetwork.org)

27 JANUARY 2021 • 9 AM TO 2 PM • ZOOM LINK TBA

sponsored by VT Coalition to End Homelessness, Chittenden County Homeless Alliance and VT Affordable Housing Coalition

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
- Legislators' email addresses may be found on the Legislature home page at <https://legislature.vermont.gov/>
- 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.