

**VCP LEGISLATIVE UPDATE – May 14, 2024****THAT’S A WRAP – CELEBRATING THE END OF THE SESSION WITH AN APPEARANCE BY THE NORTHERN LIGHTS**

*A little after 2:00am on 5/11/24 the 2024 legislative session came to a close. Arriving at 8:30am on Friday, with many bills still kicking around, it was unclear to me if the session would really end as predicted. 17 hours later, I watched as the Senate passed the FY25 budget and listened to a variety of speeches summing up the 2024 legislative session. This included a speech from the Governor who added sentimental remarks about the three Senators leaving their posts for retirement – Senator Starr, Senator McCormack, and Senator Mazza. It was quite an emotional event – as well as historic. The Northern Lights made a special appearance as Representatives, Senators, advocates, and State House staff alike bopped in and out of the building to view the dancing lights over the city. I’m pretty sure this will be a session that will long be talked about – one of those, “hey, where were you during the aurora borealis of 2024?”*



*moments.*

*Speaking of exciting events – the DAs and SSAs managed to get into the budget with a 3% increase. An uphill battle after not receiving an increase in the Governor’s recommended budget nor the House version of the budget. In a financially lean year, this is excellent news. The increase also includes intent language. Other highlights in the budget bill include language around the PIP and Sober Bed program directing VDH to revision the program and finance said revisioning. A work group will be assembled that includes a designee from the preferred provider group. There are other workgroups we are named in in the budget bill, including GA Emergency Housing and AHS revisioning. More information on these groups is forthcoming once the Governor passes the budget.*

*In terms of next steps in the legislature, the budget and a variety of bills headed to the Governor’s desk for signature. He has three options – 1) sign 2) less pass without signature or 3) veto. A veto session is scheduled for June 17, 2024. Stay tuned!*

*Many thanks are in order for this legislative session. Thank you to everyone who testified this year, who provided data and information to help make our ask more powerful, for folks who reached out to their representatives and senators at critical times in the session, for the*



*legislators who worked diligently to support our ask and pass important legislation that is supportive of Vermonters. While an incredibly intense and difficult session the passion behind the work to support our state was inspiring. Make sure to thank your Senators and Representatives via email or snail mail.*

## **BILL STATUS AS OF END OF SESSION**

*This is by no means an exhaustive list of everything we followed this session but is a list of the bills that were in play since the last legislative update and how they landed as of 5/10/24 (session's end):*

**S.109** – *an act relating to Medicaid reimbursement for doula services - [signed by the Governor](#)*

**H.543** – *An act relating to Vermont's adoption of the Social Work Licensure Compact and to emergency housing eligibility documentation – [signed by the Governor](#)*

**H.847** – *An act relating to peer support provider and recovery support specialist certification – [passed by House and Senate](#)*

**S.9** - *An act relating to the authority of the State Auditor to examine the books and records of State contractors – **did not pass out of the House***

**S.192** - *An act relating to civil commitment procedures at a secure residential recovery facility and a psychiatric residential treatment facility for youth and civil commitment procedures for individuals with an intellectual disability – [passed by House and Senate](#) and here's the [amendment](#) from the house that was added on 5/10/24*

- *This bill changed a lot from the version coming out of the Senate before crossover. It now includes language for emergency involuntary procedures at secure residential treatment facilities and includes language around PRTFs. The bill did take out language related to individuals with intellectual disabilities being placed in a forensic facility but does direct a stakeholder group to identify community-based options for this population.*

**H.121** – *an act related to consumer privacy – [passed by House and Senate](#)*

- *Imagine it's 1am and you're at the State House talking about data privacy. That happened! The bill was one of the last to be passed before the budget and the session closing at 2:07am. The bill includes a provision that excludes HIPAA-covered entities and their business associates. The bill does apply to the nonmedical portion of hybrid entities, as defined by HIPAA.*

**H.766** – *an act related to prior authorization and step therapy - [passed by House and Senate](#)*

- *The Governor has not signed this bill yet and there's the potential for it to be vetoed based on information from the private health insurance entities. If this bill is important*



to you, it's important you call the Governor's office at 802-828-3345 to share your thoughts.

**H.657** – an act relating to the modernization of Vermont's communication and fees – [passed by House and Senate](#)

- This bill is noteworthy as it includes a waterfall that directs funding to a variety of services including 9-8-8.

**H.861** - an act related to telehealth and audio only reimbursement parity - [passed by House and Senate](#) – signed by governor (as enacted version not yet available online)

**H.833** – Budget Bill: Watch Senator Kitchel report out to the Senate on H.883 (budget bill) with a specific shoutout to DA/SSAs [HERE](#). This link also includes all the end of session speeches including one from Governor Scott.

To view the full budget bill (H.883) – click [HERE](#) (page 100 includes language on the DA/SSA 3% increase).


#### VCP TESTIMONY & PRESENTATIONS COMPLETED

- DA/SSA Testimony: RCMHS – House Health Care
- DA/SSA Testimony: UCS – House Health Care

#### COMMITTEE AND WORKGROUP HIGHLIGHTS

**House Health Care** – In late March, VCP started their DA/SSA testimony series to committee members. Here's who has gone thus far including links to written testimony and PowerPoint slides:

- Rutland County Mental Health on 5/2/24 (9am) – [PowerPoint](#) and [Testimony](#)
- United Counseling Services of Bennington on 5/2/24 (10:45am) – [PowerPoint](#) and [Testimony](#)
- Counseling Services of Addison County (bumped) – [PowerPoint](#) and [Testimony](#)
- Northeast Kingdom Human Services (bumped) – [PowerPoint](#) and [Testimony](#)

 If you're looking for the recordings of any of the testimony, you can click on [THIS LINK](#) and search through the committee YouTube page using the dates and times of each DA/SSA (above).

**Conference Committee** – the group of three Senators and three Representatives (alongside leg counsel, JFO, etc.) worked seamlessly to navigate the two versions of the FY25 budget to develop something that felt supportive to both bodies. There were many noteworthy



moments, but I did appreciate this one as it related to the need for a 3% increase for service providers. View it [HERE](#) and look at the 34 minute and 38 second mark to 37 minutes.

**Senate Confirmation Hearing on Zoey Saunders** for AOE Secretary – This was an incredibly gripping hearing that packed the Senate chamber with visitors. The vote landed at 19 against -9 for -1 absent. Soon thereafter the Governor issued a press release condemning Senators who voted against the nominee and went on to inform the public that Zoey Saunders would be made interim Secretary. It's interesting to hear the sentiments of the various Senators and I highly recommend a watch. View the hearing [HERE](#)

### SPONSOR SPOTLIGHT SERIES

The Sponsor Spotlight Series is part of a collaboration produced by members of Vermont Care Partners – the statewide network for sixteen non-profit, community-based agencies providing mental health, substance use, and intellectual and developmental disability support.

**Thank you to everyone who contributed to this valuable series. The articles were very topical as they related to work in the legislature, and we were able to send them along to key legislators throughout the session. Great work – see you next session!**

### BILLS, ACTS, RESOLUTIONS, ETC. DISCUSSED THIS SESSION – QUICK LINKS

- [H.721- An act relating to expanding access to Medicaid and Dr. Dynasaur](#)
- [S.211 – An act relating to health care reform and the regulatory duties of the Green Mountain Care Board](#)
- [S.109 – An act relating to Medicaid coverage for doula services](#)
- [H.719 – An act relating to housing development and rehabilitation](#)
- [H.409 – Education; Seclusion and Restraints](#)
- [H.543 – Social Work Licensure Compact](#)
- [Act 27 \(S.89\) – An Act Related to Establishing a Forensic Facility](#)
- [H.847 – An act related to peer support provider and recover specialist certification](#)
- [Telemedicine – Audio only parity](#)
- [H.828 – An act relating to the creation of a personal income tax surcharge](#)
- [H.630 - An act relating to boards of cooperative education services](#)
- [H.839 – Budget Adjustment Act](#)
- [H.766 - An act relating to prior authorization and step therapy requirements, health insurance claims, provider contracts, and collection of cost sharing amounts](#)
- [S.151 – An act relating to pay parity and transparency in health care](#)
- [H.861 An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone](#)
- [S.183 – An act relating to the revisioning of AHS](#)
- [H.121 - An act relating to consumer privacy](#)



LINK TO CMS' AHEAD MODEL: <https://www.cms.gov/priorities/innovation/ahead/faqs>

LINK TO AHEAD MODEL OVERVIEW IN VERMONT

<https://lifo.vermont.gov/assets/Meetings/Health-Reform-Oversight-Committee/2023-11-30/034b71a2c8/HROC Jones-Trafton 2023-11-30.pdf>

## ADVOCACY TOOLS

NEW!! VT DIGGER launches legislative support tools – [FIND HERE!](#)

The [Vermont General Assembly](#) website helps you to navigate the state house and get up to date information on:

- Committee assignments
- Weekly committee agendas
- Legislator information – including contact info, assigned committees, bio, sponsored bills, etc.
- Bills, acts, resolutions
- State house announcements and events
- Maps of the statehouse
- And more!

FIND YOUR LEGISLATOR! A handy list of key committees, committee members, and the DA/SSA connected to each. Find it [HERE](#)

Housing and Homelessness Alliance of Vermont – [2024 Legislative Priorities](#)

A GREAT overview of how housing support works in the state (presented by Lily Sojourner): [Homeless Assistance \(vermont.gov\)](#)

## IN THE NEWS

- [Legislative panel finalizes \\$8.6B state budget; Gov. Phil Scott signals willingness to sign - VTDigger](#)
- [Vermont opioid deaths decline for the first time since 2019, according to preliminary data - VTDigger](#)
- [In compromise, budget panel agrees to new limits on motel housing program - VTDigger](#)
- [Vermont Senate passes Act 250 reform bill after whirlwind debate - VTDigger](#)
- [Phil Scott doubles down on Zoie Saunders' interim appointment as education secretary - VTDigger](#)



- [After Vermont Senate refuses to confirm Zoie Saunders, Phil Scott names her interim education secretary - VTDigger](#)
- [Gov. Scott says he plans to veto harm reduction center legislation | Vermont Public](#)
- [Two major health care access bills meet different fates in Vermont Statehouse - VTDigger](#)
- [Vermont Legislature adjourns after a contentious 2024 session - VTDigger](#)
- [Vermont lawmakers reach late-night property tax deal, but bill looks destined for a veto - VTDigger](#)
- [At the 11th hour, lawmakers strike compromise on Act 250 reform - VTDigger](#)

## FY25 BUDGET ASK & STATUTE LANGUAGE

### *A Medicaid Rate Increase is A Top Priority*

Vermont Care Partners is requesting a 6.5% Medicaid rate increase (\$14,600,000 in General Funds) as our top priority which yields a 5.63% increase overall for agencies. This rate increase is based on a robust analysis conducted by the VCP network agency finance directors of critical factors necessary to keep the lights on and maintain services for the people we serve. The analysis focused on five categories: salaries, health insurance, other fringe, other insurance, and all other operating expenses. The proposed increase combined the following factors:

- A 5% salary increase based on the U.S. Bureau of Labor Statistics;
- An average projected health insurance increase of 16.6%;
- An average projected increase of 7% for other fringe;
- General/liability/auto/property insurance projected to increase an average of 10.8%; and
- All other operating projected to increase 3.3% based on New England CPI, updated through October.

This analysis is consistent with 18 V.S.A. § 8914 which directs the Secretary of Human Services to adjust agency rates to take into account factors that reflect changes in reasonable costs of goods and services of designated and specialized service agencies, including those attributed to inflation and labor market dynamics.

## **Chapter 207 : Community Mental Health and Developmental Services**

**(Cite as: 18 V.S.A. § 8914)**

- **§ 8914. Rates of payments to designated and specialized service agencies**



(a) The Secretary of Human Services shall have sole responsibility for establishing the Departments of Health's, of Mental Health's, and of Disabilities, Aging, and Independent Living's rates of payments for designated and specialized service agencies that are reasonable and adequate to achieve the required outcomes for designated populations. When establishing rates of payment for designated and specialized service agencies, the Secretary shall adjust rates to take into account factors that include:

(1) the reasonable cost of any governmental mandate that has been enacted, adopted, or imposed by any State or federal authority; and

(2) a cost adjustment factor to reflect changes in reasonable costs of goods and services of designated and specialized service agencies, including those attributed to inflation and labor market dynamics.

(b) When establishing rates of payment for designated and specialized service agencies, the Secretary may consider geographic differences in wages, benefits, housing, and real estate costs in each region of the State. (Added 2017, No. 82, § 11, eff. June 15, 2017.)

We're also asking for an increase to the **Eldercare program** - The Eldercare program serves older Vermonters facing mental health and substance use challenges who have limited access to services and supports. An additional **\$444,000** GF is necessary to achieve full funding of the program which has been level funded for years.

## VERMONT CARE PARTNERS' 2024 LEGISLATIVE PRIORITIES

### ***Other Important Legislative Priorities Include:***

1. Educating about the Value of Designated and Specialized Service Agencies
2. I/DD Service Delivery and Payment Reform
3. Educating about the Increasing Acuity of Individuals with I/DD including those with Forensic Needs
4. Planning and Implementing of the CCBHC Model
5. Adjustments for Mental Health Warrant Statute Act 25
6. Access to Affordable Housing for Staff and People Served including Supportive Housing Maintaining Community-Based Principles and Principles of the DD Act and State System of Care Plan
7. Current or Anticipated Gaps in Services for Investments as Acuity and Demand Increases
8. Investment in Home and Community-Based Services in Health Reform Initiatives



- 9. Strong Stakeholder Involvement in Payment and Service Delivery Reform Process for Substance Use Services**
- 10. Suicide Prevention**
- 11. Peer Certification Program, Training and Medicaid Funding**
- 12. Reducing Unnecessary Use of Seclusion and Restraint**
- 13. Expand Access to Affordable Housing**
- 14. Preventing NIMBYism to Support Residential and Treatment Facility Development**
- 15. Sustainable Funding for Public Inebriate Programs**
- 16. Access to Early Childhood Mental Health Consultation Services**
- 17. Mental Health Needs of Individuals Involved in Law Enforcement and Criminal Justice Systems**
- 18. Adoption by Vermont of the Social Work Interstate Compact**
- 19. Protection of ABLE Savings Accounts**
- 20. Improved Funding for Applied Behavioral Analysis (ABA)**
- 21. Increased Resources for Youth Crisis Stabilization Across Vermont**
- 22. Medicaid funding for doula services**