

**Developmental Disabilities Services  
State Program Standing Committee  
April 16, 2015  
Comfort Inn, Berlin**

**Attendees:**

Members Present: Ed Place, Greg Mairs, Julie Cunningham, Bethany Drum, Joe Greenwald, Barbara Prine, Susan Yuan, Emily Anderson, Linda Berger

Members Absent: Theresa Wood, Anne Bakeman, Max Barrows, Nicole LeBlanc, Connie Woodberry

Guests and State Employees: Cathy Hull, Marlys Waller, Burt Muir, Rachel Colby, Kirsten Murphy, Ashley Querubin, Mark Utter, , Lisa Parro, Camille George, June Bascom

**I. Review of Agenda and March Minutes**

Theresa Wood was not able to attend the meeting; Julie Cunningham agreed to co-chair the meeting with Bethany.

The minutes from the March meeting were reviewed. Barb Prine moved to accept the minutes, Joe Greenwald seconded. The meeting minutes were approved.

Barb Prine requested to move the review of the SPSC Operating Procedures to the end of the agenda, which was accommodated.

Introductions were completed.

**II. Public Safety – Ed Riddell, Public Safety Specialist, Developmental Disability Services Division, DAIL**

If an individual commits a significant crime hurting another person, and is found to be incompetent (not fully responsible) of the crime due to a diagnosis of an intellectual disability, the court may place this individual on ACT 248. When an individual is on ACT 248 they are placed in the custody of the Commissioner of the Department of Disabilities, Aging, and Independent Living (DAIL). The Commissioner is responsible for the custody, care, and rehabilitation of the individual which includes knowing where the individual is located at all times, what they are doing, ensuring that the individual has an individualized plan that meets their needs, and that the individual is receiving services that teach them new skills to prevent or reduce the risk, of them hurting anyone else in the future. If an agency is not able to provide services that meet the needs of the individual, the individual is struggling, or at the court

requests, the individual may be moved to a new agency provider. Individuals on ACT 248 may also have a public guardian to assist them with financial and/or medical rights.

Every year DAIL is required to report the status of each individual on ACT 248 to the court. The individual's team (i.e. counselors, medical, employment, etc) supplies information and recommendations to DAIL about whether the individual should remain on ACT 248. To keep an individual on ACT 248, DAIL must show clear and convincing evidence that the individual may still be at risk and further work is necessary to improve upon their skills. An individual may contest the hearing, and has the opportunity to go before a judge to request to be removed from ACT 248. If an individual has received services and has learned new skills that will reduce the individual from hurting others (such as dealing with emotional issues, creating a network to assist with problems, and the ability to remove themselves from situations), an administrative discharge is completed by the Commissioner and the court is notified.

Individuals are discharged from ACT 248 because of an administrative discharge, or because they have won a contested hearing.

Individuals are discharged and added to ACT 248 regularly so it is difficult to get specific data. On June 30, 2013, there were 34 individuals committed to ACT 248 (230 individuals on the Public Safety Program); and on June 30, 2014, there were 30 individuals committed to ACT 248 (241 individuals on the Public Safety Program). In 2013, there were 7 individuals added to ACT 248 and 4 individuals removed; and in 2014, there were 3 individuals added and 7 individuals removed.

DAIL provides funding to the agencies to provide services and supports to people with developmental disabilities who have been found eligible for services. There are two statewide funding committees that review the proposals and make recommendations to DDS about the proposals: one is referred to as the "Equity Committee" and the other funding committee, the "Public Safety Committee," does the same people who are part of the Public Safety group. However, how the funds are used is at the discretion of the agencies and are based on the needs of each individual. In FY13, the funding for an individual on public safety ranged from \$300,000 down to \$7,034; in FY14, the funding for an individual on public safety ranged from \$300,000 down to just over \$7,000.

Since 2012, for each newly funded individual in the Public Safety group, information from a risk assessment, and a behavioral support plan to show how the plan will meet the needs for the individual, is required to be submitted to DAIL. If an individual is receiving a budget of \$200,000 or more, regardless of which group they are part of, someone from DAIL has regular contact with the individual's support team to ensure the individual is receiving the supports they need and the risk to public safety is being addressed.

DAIL provides quarterly sex offender discussion groups in person or via videoconferencing to anyone who is interested in supporting persons with DD/ID who have sex offender behaviors. Ed also regularly sends out literature that may assist with clinical practices.

The SPSC discussed the two equity committees, legislative statutes, and the possible risks for agencies when discharging an individual from services who is on the Public Safety Program.

### **III. DAIL Budget – Camille George, Division Director, Developmental Disabilities Services Division/DAIL**

The FY15 budget adjustment passed. There is a current year reduction of \$646,497 in developmental services caseload funding. Due to the slow start of Children’s Personal Care, the funds for family managed respite were reduced. This is a one-time reduction. If the current trend for caseload utilization continues, it is still estimated that the year will end with 1.9 million dollars, from under utilization. If the current trend continues, and the FY16 budget is approved, the 1.9 million dollars would be applied to next year to help fill any gaps, and it is hoped that a rescission may not be needed.

The proposed FY16 budget was passed by the House and is now in the Senate. There will be discussions in the next few weeks to wrap up the FY16 budget. A 1.9 million dollar reduction is still being proposed; and there is a proposal to initiate a wait list, which the Commissioner discussed at the last meeting. There have not been as many funding request for public safety and this has been one factor contributing to the current underutilization of DS caseload funding. The budget allows for an anticipated increase in supports for individuals who will lose supports when they graduate from high school. There has been no change to Family Flexible Funding.

When an individual budget is approved, it is based on a 12 month period. Therefore, if an individual comes into the system in January and is approved a 12 month budget, not all the funds are used. These extra funds become the discretionary funds which can be used by DAIL in a variety of ways. There is no guarantee whether any funds will exist from year to year, and if there is, how much funding will exist. DAIL decides whether to give any discretionary funding to the agencies for one-time use to use in specific ways for individuals/programs, or to use it for projects. The program funds this year have already been allocated. Use of discretionary funds by DAIL and previous one-time funding by the DS providers have already been discussed twice this year with the SPSC so people who missed those discussions and have additional questions are encouraged to follow up with Camille.

The SPSC discussed the importance of speaking with, and educating, legislators on developmental services.

### **IV. Review of SPSC Applications**

The SPSC has received five (5) Reappointment of Gubernatorial Applications from Susan Yuan, Joe Greenwald, Linda Berger, Anne Bakeman, and Nicole LeBlanc; and has received three (3) new Appointment of Gubernatorial Applications from David Babou, Rachel Colby, and Amy Caffrey. The SPSC nominating committee (Max, Connie, and Barb) recommends that the SPSC accept the 5 reappointment applicants as they are all active participants of the SPSC and

regularly attend the meetings. Ed made a motion to accept the nominating committee's suggestion; Greg seconded the motion, and it was passed.

The SPSC was reminded that the SPSC's recommendation is brought back to the Commissioner of DAIL, who may or may not support the recommendation of the SPSC, and the Commissioner forwards her recommendations to the Governor who makes the ultimate decision about who should be appointed to the SPSC.

## **V. SPSC Topics for Future Meetings**

- May: Anticipate at least 2 agency reviews for the May meeting
- June: Anticipate at least 1, possibly 2, agency reviews
- May: Results of tally of DD Act Principles to discuss and identify volunteers to lead and frame the discussions at future meetings.
- Theresa will be stepping down as Co-Chair in 6 months so the SPSC will need this added to the agenda. (August/September planning discussion and then vote in new Chair in October)
- Standing Item for all months through the legislative session: DAIL Budget
- Revisit the Future's Report and the changing demographics of Vermont – what happens to those individuals who do not leave the State to go to college. (Possibly invite some young people to attend the meeting.)
- ABA Licensure that is being required
- Have new AHS Secretary come
- Post Secondary Education (Jennie Masterson), and Pre-Employment Training/Changes to Employment (Renee Kievit-Kylar, VR)
- Results of consumer survey (not sure of date – about 6 months out)
- Office of Public Guardian (Jackie Rogers) – Later in the year
- Serving parents with disabilities – what is being done, what is working, what is needed. (Help from agencies to find some individuals to come to meeting?)
- HowardCenter – Things they are doing well with Bosnia Population; and/or Refugee Population
- DD Council and GMSA: ask them to speak about some of their advocacy efforts related to DS. (*Post Note: after this meeting, Melissa Bailey has requested time on the June agenda to talk with the SPSC about what the DAs and SSAs are doing to create Center of Excellence*).

Members were sent a list of the Principles and were asked to check off the three topics they were interested in the most. Members brought, or filled out, this information at the meeting and handed them in to be tallied. The results of the tally will be announced at the next meeting. At the May meeting, we will then request volunteers to lead and/or co-lead each of the top three topics at future meetings.

The SPSC discuss the possibility of having someone from the Senate/House come to a meeting once the legislature is done; and there was discussion about possibly have a smaller subgroup meet with them instead. The SPSC will need to discuss this further to determine how they would like this to be done.

## **VI. Continue to review the SPSC Operating Procedures**

At a previous meeting, a lot of progress was made on the review of the SPSC Operating Procedures. The SPSC stopped on page 4 – How to Make Decisions, and the review was picked up at this point.

There was some discussion about a ‘proxy’ being used in votes. After discussing some of the pros and cons, Joe made a motion to strike the paragraph in the SPSC Operating Procedures pertaining to being able to use a proxy. Linda seconded the motion. 4 Members were in favor of the motion; 3 were not in favor – the motion was passed.

## **VII. Updates and Announcements**

Ed received a phone call last night that stated if he hit \*3, he could talk directly with the Governor himself. He hit \*3, but the phone cut out on him. It is unknown if this was one of the conferencing discussions the Governor’s office has had in the past, or if it was a scam.

The Voices and Choices Conference will be on May 4<sup>th</sup> & 5<sup>th</sup> at the Sheraton in Burlington. Go to the GMSA website to get information and to register. [www.gmsavt.org](http://www.gmsavt.org) Some meeting attendees had not yet received information about the conference; and Julie Cunningham was asked to provide feedback to GMSA about the importance for everyone receiving services to get the notice and information for this conference so they can register before it is filled.

A lot of people need to leave at noon, so there was some discussion about whether the SPSC meetings should be changed to 9:00 – 12:00. Bethany moved to keep the meetings at 9:30, it was seconded and passed to keep the meetings as they are currently scheduled.

The Vermont Coalition of Disability Rights is submitting a grant proposal on “Successful Families” for integrated supports for parents with disabilities to the National Institute on Disability, Independent Living, and Rehabilitation Research. Congregate housing was part of the application last year, but this was taken out in this year’s application. The grant includes collaboration with Lund services (providing training for pregnant mothers), Disability Rights Vermont, GMSA, VCIL and DCF (providing in-kind match). The grant is for \$500,000 a year for 5 years, and is a very competitive grant with only two being awarded in the country. If Vermont gets the grant, it starts sept 30<sup>th</sup>. The grant is due to be submitted on Monday, April 20<sup>th</sup>.

DDSD has a couple positions in recruitment:

- A long serving Public Guardian retired and that position is being recruited.
- Interviews have been held for a Quality Reviewer position, and it is expected that a public announcement about who has filled this position will be made soon.
- A Financial Manager I position has been posted for recruitment. This position will help work with the agencies to strengthen fiscal oversight, make sure policies are clear, and to look at implementing the audit findings.