

Vermont's Developmental Disabilities Act

Following the closing of the Brandon Training School, the Vermont legislature adopted enabling legislation that set the course for our state's community-based and values-driven system of care for individuals with developmental disabilities [18 V.S.A. § 8721 et. seq.]. That was 1996.

Today, Vermonters face a very different set of challenges as we seek to maintain an effective and efficient system that provides equal access to community life: Service delivery is complex, funding is tighter, and the range of people and services receiving funding has narrowed sharply since the Act was adopted. Despite a strong emphasis on accountability and measurable results throughout the Agency of Human Services, the Developmental Disabilities System is exempt from legislative oversight.

As Vermont moves toward consolidating Medicaid-funded services under a single global waiver and toward adopting results based accountability, it is time to revitalize and update this critical Act so that individuals with developmental disabilities and their families have needed safeguards in place.

Proposed Revisions to the Act:

- **Provide for Appropriate Legislative Oversight**

Currently, the Act exempts the Developmental Services System of Care Plan from Vermont's Administrative Procedures Act, which requires full and complete explanation of the necessity of proposed rules and their impact on people. Nothing is more important than determining who will receive support and what services will be funded. It is critical that the process be full and complete, with legislative review as the final step, measured against the Principles of Service. Revisions also make clear that priorities must be based on comprehensive needs assessment before available funds are considered. [§8725 (a)-(d)]

- **Strengthen Annual Reporting Requirements**

Annual reporting requirements are outlined, so that committees of jurisdiction can track the performance of the System of Care over time. Reporting is specifically linked to achievement of the Act's Principles of Service, and must include information on any unmet service needs including waiting lists. [§8725(e)]

- **Clarify and Strengthen Assessment and Quality Assurance**

To ensure that people are receiving the quality of care they need and deserve, and the Principles of Service are truly achieved, DAHL must vigorously monitor the system of care, maintaining an effective state-wide system of quality assessment and assurance, including support for quality improvement initiatives. [§ 8723].

- **Adopt language consistent with Relevant Federal Law**

Individuals with disabilities deserve a more respectful framework in this important legislation. The opportunities outlined in the purpose clause of the Act should be described as a "right" just as they are under the federal Developmental Disabilities Bill of Rights and Assistance Act. [§ 8721]

Today's Challenges to Developmental Services

- Over 10 years of rollbacks and narrowed funding priorities -- for example, eliminating supports that prevent regression and job loss.
- Reduction in quality assurance staff at the Department level from 12 to 5.
- An annual budget of \$171 million prioritized by a System of Care Plan that is exempt from the safeguards of the Rulemaking process.
- A pending "sunset" of reporting requirements, per 2 V.S.A., § 20.
- The vast majority of eligible people (70%) go unserved.



... AND TODAY

Principles of Service 18 V.S.A. § 8724, *abbreviated*



Adults make decisions for themselves

Adult services. Adults, regardless of the severity of their disability, can make decisions for themselves, can live in typical homes, and can contribute as citizens in the communities in which they live.

Children's services. Children, regardless of the severity of their disability, need families and enduring relationships with adults in a nurturing home environment.

Individualized support. To be effective and efficient, services must be individualized to the capacities, needs, and values of each individual.

Full information. People with developmental disabilities and their families need complete information about the availability, choices, and costs of services, how the decision making process works, and how to participate in that process.

Family support. Effective family support services shall be designed and provided with respect and responsiveness to the unique needs, strengths, and cultural values of each family and the family's expertise regarding its own needs.

Meaningful choices. Effective services shall be flexible so they can be individualized to support and accommodate personalized choices, values, and needs and assure that each recipient is directly involved in decisions that affect their life.

Community participation. When people with disabilities are segregated from community life, all Vermonters are diminished.

Employment. The goal of job support is to obtain and maintain paid employment in regular employment settings.

Health and safety. The safety and health of people with developmental disabilities is of paramount concern.

Accessibility. Services must be geographically available.

Trained staff. All individuals who provide services to people with developmental disabilities and their families must receive training as required by § 8731 of this title.

Fiscal integrity. The fiscal stability of the service system is dependent upon skillful and frugal management and sufficient resources to meet the needs of Vermonters with developmental disabilities.



Adults live in typical homes

Adults contribute as citizens in the communities where they live

To learn more please contact

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Supported by:

VTDDC, GMSA, VCIL, VT Family Network,
DRVT, VT Coalition for Disability Rights;
VT-SILC and VT Federation of Families