

# 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 they 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 individuals and services targeted to receive 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 not subject to the same level of legislative oversight as other programs.

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 the Act.

## Proposed Revisions to the Act:

- **CLARIFY AND STRENGTHEN ASSESSMENT AND QUALITY ASSURANCE**

In partnership with individuals and families supported by the Developmental Services System, DAHL must take a proactive approach in identifying key indicators of high quality service, measuring services in light of those standards, and taking corrective action as needed [§ 8723].

- **PROVIDE FOR APPROPRIATE LEGISLATIVE OVERSIGHT**

Currently, the Act exempts the Developmental Services System of Care Plan from Vermont's Administrative Procedures Act [§ 8725]. In the critical matter of determining who will receive support and what services will be funded, legislative oversight is a critical final step. Review should be similar in approach and frequency to other Medicaid-funded programs.

- **CLOSE THE LOOP BETWEEN NEEDS ASSESSMENT AND ANNUAL REPORTING**

The Act requires that the Developmental Services System of Care Plan be developed in light of a "comprehensive needs assessment" [§ 8725(b)]. Annual updates should assess implementation of the Plan in terms of these identified needs, as well as the Principles of Service outlined in the Act. Without this provision, the Agency will no longer be required to update lawmakers [2 V.S.A., § 20]

- **ADOPT LANGUAGE CONSISTENT WITH RELEVANT STATE AND FEDERAL LAWS**

As set out by the federal Developmental Disabilities Act, Vermont citizens have "a right" to the opportunities outlined in the purpose clause of the Act [§ 8721]. Consistent with Vermont's Respectful Language Law (pending), the term "intellectual disability" is preferred [§ 8722]. The phrase "within the limits of available resources" should be removed, as it does not appear in other statutes that guide similar systems of care [§ 8723 and § 8725(b)].

## Today's Challenges to Developmental Services

- Over 10 years of rollbacks as funding priorities have narrowed — 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 legislative oversight.
- A pending "sunset" of reporting requirements, per 2 V.S.A., § 20.
- The vast majority of applicants (80%) do not meet a state funding priority and go unserved.



## ... AND TODAY

## Principles of Service 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 can live in typical homes

To learn more about the Campaign,  
please contact the  
VT Developmental Disabilities Council:



(802) 828-1311  
vtddc@state.vt.us