

The Vermont Developmental Disabilities Council's Perspectives

Vermont Developmental Disabilities Council
Advocate. Change. Join.



VTDDC Mission

... to help build connections and supports that bring people with developmental disabilities and their families into the heart of Vermont communities.

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VTDDC Authority

- Is created under the federal Developmental Disabilities Assistance and Bill of Rights Act, last reauthorized in 2000.
- Is part of the DD Network administered by the federal Administration on Community Living to realize the full impact of federal disability laws at the state/territory level.
- Is funded by an annual appropriation from Congress of approximately \$500,000. No State General Fund.
- Operates as an affiliated board under the VT Agency of Human Services with specific assurances, including the rights to participate in quality improvement activities and to advocate for positions adverse to AHS without interference.



VTDDC Activities

- Directed by a public board that is 60% individuals with developmental disabilities and their family members. Others represent DD Network Partners and State government.
- Council develops a Five-Year Plan that must include:
 - Supporting self-advocacy
 - Addressing the needs of an underserved group within the disability community.
 - Advocating for systems change to realize the values of the DD Act – community inclusion, independence, productivity, and self-determination.



Disability Rights are Civil Rights

- In its 1999 landmark decision in **Olmstead v. L.C.** (Olmstead), the United States Supreme Court concluded that undue institutionalization constitutes discrimination prohibited by the Americans with Disabilities Act (ADA).



What Does Olmstead Require?

Olmstead has very important implications for people with disabilities who receive services through Medicaid or other public programs.

Historically, people with disabilities have been segregated in state hospitals and various other facilities.

Federal law (including the ADA and the Olmstead decision) requires that public service systems help people with disabilities to

- live in their own home,
- pursue employment,
- pursue education,
- spend time with family and friends as they wish.



When Does Olmstead Apply?

- Olmstead applies to everything a state government does, including how it plans, designs, and funds its service systems.
- It applies when state government funds private service providers, including nursing homes, board and care homes, and group homes.
- It also applies to programs that are funded through Medicaid and other government programs.



Not Just Olmstead

- The Home and Community Based Services Settings Rule established criteria in 2014 to ensure people accepting Medicaid-funded Home and Community Based Services (HCBS) receive those services in the most integrated settings possible, took effect in March 2023.
- Vermont is under a plan of correction for Heartbeet in Hardwick
- CMS Person-Centered Planning Rule took effect in 2014 Vermont is under a plan of correction





How did we get here?

- Every state was required to create an Olmstead Plan
- An Olmstead Plan is a long-term financial plan to support community living
- Vermont went a different route
- Vermont has not invested enough in community residences since 1993 when Brandon closed



Vermont Went its Own Way

- Vermont's Olmstead Plan is largely different than other states.
- The Vermont Olmstead Plan does not provide a long-term financial plan to increase community living options.



2023 Legislative Platform



Vermont Developmental Disabilities Council 2023 LEGISLATIVE PLATFORM



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1. QUALITY FIRST!

- Vermont needs an Independent Developmental Services Advocate similar to the Long-Term Care Ombudsman.
- Vermont's home and community-based service system is in crisis. Increased oversight must be funded.
- Play by the rules. Require the Agency of Human Services to report its compliance status with all applicable CMS rules annually.

2. MEDICAID JUSTICE!



- Invest Medicaid dollars fairly to meet the needs of Vermonters with disabilities.
- Stabilize and sustain the home and community-based services workforce with adequate annual rate increases.



3. HOUSING FOR ALL!

- Fund new housing for adults with disabilities. Act 186 of 2022 provided seed funding—now we need funds for the housing itself.
- Include people with disabilities in all new housing initiatives. Include people with disabilities in programs for landlords who provide housing to housing challenged groups.



4. INCLUSIVE SCHOOLS!

- Support students with disabilities by reducing the use of exclusionary discipline, restraint and seclusion.
- The DD Council joins with VT Coalition for Disability Rights, Vermont Family Network and other disability advocates to urge new legislation adopting the recommendations of the 2022 Act 35 Task Force on Equitable and Inclusive School Environments Report.

For more
information about
VTDDC's platform,
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2023 Legislative Platform

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