

DS State Program Standing Committee (SPSC)

September 21, 2023

Meeting held virtually by ZOOMGov

Attendees

Committee Members: Barbara Lee, Bethany Drum, Ed Place, David Ballou, Cheryl Thrall, Collins Twing, Karen Price, Connie Woodberry and Susan Yuan

State Employees: Jennifer Garabedian, Hilary Conant, Carolyn Bowen, Jessica Bernard, Jeff Nunemaker, Stuart Schurr, Representative Rey Garofano and Judy Spittle

Guests: Elise Haydon, Judith Jackson, Rachel/CSAC, George McWilliam, Marie Lallier, Jen Hayes, Kirsten Murphy, Susan Aranoff.

Roll Call and Review of Agenda and minutes –

The August minutes were reviewed and a motion by David Ballou to approve and Bethany Drum/Susan Yuan seconded the motion to approve.

SIS-A Update

Validation Study will be going on next week from 9/25 through 9/28. The 1st and 2nd editions will be reviewed.

- 160 consumer records will be reviewed. 10 from each provider agency
- Make sure the SIS-A can identify the right level of support for most people
- Will look at the SIS-A and consumer record to make sure the SIS-A has the right level of support
- The records will be a mix of different needs from different home settings and different support needs
- Human Services Research (HSRI) will facilitate the review teams
- State staff and DS service providers will be part of the reviews
- DS Providers will only look at records for people their agency serves
- Individuals and families are not included in this due to privacy laws
- Will have an exception process
- Grievance and Appeal rights will always be available

The SIS A Validation study will have 6 levels of support

- 4 levels for different general support needs
- 1 level for high medical support needs
- 1 level for high behavior/mental health support needs

Here is the website for HSRI: <https://www.hsri.org/>

DRAFT Preliminary Support level descriptions: A Plain language version will be coming.

The below descriptions do not account for additional information on people's support needs collected via supplemental questions, context assessment or SIS-A 2nd Edition new items. Final descriptions will include any new information from these sources, along with any updates to language as needed.

- Level 1 – low general support need, no extraordinary medical/behavioral needs
- Level 2 – moderate general support needs in most areas daily living and typical supports for medical/challenging behaviors.
- Level 3 - high need of support up to full assistance in daily living. Some medical support may be needed
- Level 4 - very high need of support in daily living and some support for medical/physical conditions.
- Level 5 – extraordinary medical support need due to one or more medical conditions
- Level 6 – extraordinary support needs due to challenging behaviors.

Communication support need – should be part of the rating when doing the SIS-A, created a supplemental tool

https://ddsd.vermont.gov/sites/ddsd/files/documents/DDSD_SISA_Supplemental_Questions_Final_2023.pdf

Representative Wood – introduced Rey Garofano – Representative from the Human Service Committee

Act No.27

[Act 27 presentation 2023](#)

Stuart Schurr, DAIL Legal and member of the Act 27 Working Group outlined what the Legislation has asked for from DMH and DAIL, and what the Working Group role is in all of this.

The Legislature expressed its intent that a forensic facility be authorized and operational beginning on July 2, 2024, in the 9-bed wing of the current Vermont Psychiatric Care Hospital (VPCH) located in Berlin Vermont. This residential secure facility, licenses as a therapeutic community residence is for an individual:

- With a mental health condition or intellectual disability, if the Legislature determines commitment to the facility is appropriate for an individual with a ID.
- Who is charged with a crime of violence against another person the individual is not competent to stand trial of wash adjudicated not guilty by reason of insanity
- Who requires treatment or programming within a secure setting for an extended period of time.

The Legislature directed the Dept of Mental Health (DMH) to amend its Rules for Administration on Nonemergency Involuntary Psychiatric Medications to allow for the use of involuntary medications at the facility

The Legislature directed DMH and DAIL to draft an amendment to the DAIL's Licensing and Operating Regulations for Therapeutic Community Residences.

AHS needs to report to the Legislature on or before February 1, 2024, their plan for staffing and programming, if additional resources are needed to operate the facility, and provide assessment of laws, rules and policies governing psychiatric hospitals and TCRs to determine whether these two populations may be served in the same facility.

The Legislature created a Working Group with the following members:

- VT Legal Aid-Disability Law Project
- DD Council
- Green Mountain Self Advocates
- Vermont Care Partners
- Vermont Crisis Intervention Network (VCIN)
- DAIL, DMH
- The Center for Crime Victim Services
- Vermont State Employee Association
- Office of Racial Equity
- The Chief Superior Judge or designee; and
- One member from each of the following committees:
 - Senate Committee on Health and Welfare
 - Senate Committee of Judiciary
 - House Committee on Human Services
 - House Committee on Judiciary

This Working Group is charged with:

- Assess the need for a forensic facility
- Assess the extent to which a facility addresses any needs or gaps in resources for individuals with ID
- Determine there is a need for criminal justice-involved individuals with ID to receive programming in a facility
- Recommend amendments to the Act 248
- Determine the roles
- Recommend any changes to 13 V.S.A Chapter 157
- Identify investments

- Consult with other stakeholders

Questions from SPSC Committee:

Q1: How long does someone stay under Act 248

Answer1: no end date as to how long a person can stay under the DAIL Commissioner.

Q2: Tiers of commitment considered for DAs or department do not have the right to place into a facility.

Answer2: Only the Court can do this. DAIL/DAs not looking to put people into a facility.

Q3. What is the step-down for someone in this facility when they get discharged.

Answer3: Working group debating this. Concern that people will get stuck there.

Q4: in the forensic facility with other individuals that are not modeling good behaviors – such as psychiatric behaviors

Answer4: a correctional facility isn't the best place for ID individuals who have committed a crime, the forensic facility would be a short-term option

Q5: Where will the psychiatric roles come from.

Answer 5: Look outside of Vermont with this expertise

The SPSC Committee will make a formal recommendation to the Working Group. This needs to be submitted by November. SPSC Member Susan Yuan will attend the next Working Group meeting on October 11 from 2-4.

Hearing from someone who has had experience with the ACT 248 would be helpful

October agenda item to formalize Committee's recommendation.