

Summary of Issue of Housing Support Options in Developmental Disabilities Services¹

Statement of the issue: Of the 3,281 individuals with developmental disabilities who received Home and Community-Based Services (HCBS), 1,796 (55%) received Home Supports. 76% of those who received Home Supports lived in Shared Living homes. The chart below shows the residential support options where the remaining 24% lived. (Data source: DDS FY21 Annual Report https://ddsd.vermont.gov/sites/ddsd/files/documents/DAIL_DDS_Annual_Report.pdf) Stakeholders have provided feedback to the Developmental Disabilities Services Division (DDSD) that there should be a wider array of residential options available to people with developmental disabilities, specifically beyond Shared Living.

Type of Home support	Number of people receiving	Number of home settings	Annual cost	Percentage of people receiving
Shared Living	1,368	1,205	\$38,922	76%
Staffed Living	74	59	\$139,489	4%
Group Living	84	19	\$106,771	5%
Supervised Living	270	270	\$21,941	15%
Total	1,796	1,553		

222 adults were living independently in their own homes or apartments without Home Supports. 1,263 people who receive HCBS lived at home with their families.

See page 84-85 of the State System of Care Plan for Developmental Disabilities Services for a definition of home support options ([Vermont State System of Care Plan](#)). See [Examples of Current Housing Models.pdf \(vermont.gov\)](#) for a description of some of the home support options currently available in the state using HCBS funding. See [Comparison of Current Housing Models.pdf \(vermont.gov\)](#) for a comparison of the current housing models.

Where has stakeholder feedback come from on this issue: Feedback on residential options has been provided from a variety of sources, including those listed below.

Innovation Think Tank: In 2018, DDSD hosted a daylong retreat labeled “Innovation Think Tank”. The retreat brought together approximately 100 people including those who receive services, family members, advocates, provider agency staff, Department of Disabilities, Aging and Independent Living staff and other state partners and stakeholders to share ideas about the future of developmental disabilities services in Vermont. The purpose was to gather information on a variety of topics related to service delivery and plan for future initiatives. One of those topics was residential options for people with developmental disabilities. The department prepared background information on the topic and a group of retreat participants spent the day examining what was working, what challenges exist and making recommendations for future improvements. The background information (https://ddsd.vermont.gov/sites/ddsd/files/documents/Info%20Sheet_Residential%20Options.pdf), brainstormed ideas (https://ddsd.vermont.gov/sites/ddsd/files/documents/Residential_Options_Session_Notes.pdf) and a summary of key recommendations (https://ddsd.vermont.gov/sites/ddsd/files/documents/Retreat_Summary_of_Key_Topics.pdf)

¹ Compiled by DDSD 4.19.2022

are available on the DDS website. Some ideas were narrowed down and prioritized. Some initial work was done by workgroups convened by DDS, but the work was disrupted by the onset of the pandemic. However, the background information and ideas are still relevant today.

Howard Center forum: On November 16, 2021, in response to input from parents regarding housing support needs, the Howard Center hosted a forum on residential options in DDS.

A summary of the comments from those attending is available at [Summary of comments from forum on housing options.pdf \(vermont.gov\)](#).

HCBS-FMAP spending plan: The American Rescue Plan Act of 2021, a federal response to the Covid-19 pandemic, offers states an unprecedented opportunity to enhance, expand and strengthen home and community-based services (HCBS) under the Medicaid program. (See [Strengthening and Investing in Home and Community Based Services for Medicaid Beneficiaries: American Rescue Plan Act of 2021 Section 9817 Spending Plans and Narratives | Medicaid](#)) States have been provided the opportunity for a 10 percent increase in the Federal Medical Assistance Percentage (FMAP) for Medicaid HCBS for one year. FMAP is the percentage of each Medicaid dollar supported by federal match funds. States are required to submit a plan for approval to the Centers for Medicare and Medicaid (CMS) regarding how the additional funds will be spent. The Agency of Human Services (AHS) submitted its initial HCBS-FMAP spending plan on June 14, 2021. The plan is refined quarterly as additional stakeholder feedback and State planning proceed. As noted in the initial plan, “the State intends to closely collaborate with individuals with HCBS needs and their families and caregivers, providers, community-based organizations, and advocates to refine and implement the spending plan to best optimize this opportunity”

(<https://humanservices.vermont.gov/sites/ahsnew/files/documents/MedicaidPolicy/GCRProposedPolicies/21-039-Vermont-HCBS-FMAP-Proposal.pdf>).

States have until 3/31/24 to spend the additional funding.

Prior to the submission of the initial plan, on April 27, 2021, the Vermont DD Council hosted a town hall to solicit input from individuals with developmental disabilities and family members on how the HCBS-FMAP funding should be used. It was attended by 95 people. Seven of those who attended mentioned that wider array of residential support options for people with developmental disabilities was needed.

Public comment was gathered on the initial HCBS-FMAP spending plan. AHS solicited written comments and as well as held a public forum. AHS received 65 written comments from various stakeholders in addition to the comments made at the forum. One of the major themes from stakeholders was to include funding to address the need for additional housing options for adults with disabilities, including capital costs for purchasing or developing housing. Capital investments in infrastructure are an allowable expense.

The October 2021 quarterly update includes engaging a contractor to explore HCBS residential alternative options.

Parent led Developmental Disabilities Housing Initiative: In the summer of 2021, a group of parents of adult children or transition age youth started meeting to discuss residential options beyond what is currently available in the DD system. In the fall of 2021, a petition was circulated to stakeholders (mostly families of individuals with DD) to sign regarding the need to expand residential options for adults with

DD beyond the Shared Living option to allow for more choice. The petition was signed by 74 parents of children with developmental disabilities. The parents are requesting that the State use HCBS FMAP funds to “develop several small, stable, and stimulating residential communities (as other states have done) that can provide these life-long vulnerable adults with a steady, consistent place to live and friends to live with, long after their parents are gone”.

The group of parents is calling their effort the Developmental Disabilities Housing Initiative. The parents in this group generally have adult children with needs that require 24-hour assistance. One committee of this group has been researching models of support in other states. Representatives of this group met several times with the DAHL Commissioner and DDSD staff to share their thinking regarding the need for a wider array of residential support options. On February 14, 2022, they outlined what they would like the state to do expand options. They are interested in settings that allow for stability and consistency of place such that even though caregivers may turnover, the individual has a permanent home. They would like a variety of settings to choose from as well as an opportunity for their children to live with their peers.

Legislative Activity in 2022: Several stakeholders have testified in the legislature in 2022 in support of developing more residential living options. Parents from the parent-led Developmental Disabilities Housing Initiative made recommendation to utilize the HCBS FMAP funding to move forward with exploring and developing these options. Other stakeholders have provided testimony as well, including the need to ensure that expanded models are available to meet a range of individual needs.

A bill, now H.720, has passed the House and has gone to the Senate. See <https://legislature.vermont.gov/bill/status/2022/H.720> for up-to-date status of the bill. The bill includes language for the hiring of a Residential Program Developer for a limited-service position to lead efforts on expanding housing and residential options for people with developmental disabilities. The bill also includes the development of pilot planning grants for the expansion of options. It includes use of the HCBS FMAP funding to pay for the limited-service position and the planning grants. It also calls for the creating of a Steering Committee, inclusive of key stakeholders, to advise the Department on options to pursue and the pilot planning grants.

What are the federal rules and state related to use of Medicaid funds to support housing options?

It is important to be aware of current state and federal rules that set parameters for the use of Medicaid funds in residential settings. Below is a list of rules that apply to housing supports.

Federal rules:

Home and Community Based Services (HCBS) Setting Requirements. The rule emphasizes that individuals must have a *choice* in setting options and that these settings are:

- Are integrated in, and support full access to the greater community,
- Ensure individual rights of privacy, dignity, and respect, and freedom from coercion and restraint,
- Optimize individual autonomy and independence in making life choices, and
- Facilitate choice regarding services and who provides them.

For more information on the HCBS Setting Requirements, for the actual rule, see [§ 441.530](#) or for a brief overview, see [Federal Home and Community based Services setting rules.pdf \(vermont.gov\)](#).

Medicaid funds cannot be used to pay for room and board.

Vermont's Global Commitment to Health waiver agreement with the Federal Centers for Medicare and Medicaid prohibits the state from using Medicaid funds for room and board in community-based settings.

See <https://humanservices.vermont.gov/about-us/medicaid-administration/global-commitment-health-1115-waiver/1115-waiver-documents>.

State Rules:

Licensure Requirements. DAIL's Division of Licensing and Protection is responsible for the licensing of facilities that provide residential care for adults. Licensure rules require that facilities providing care to more than two unrelated adults must be licensed (See 2.2(II) of the Residential Care Licensing Regulations

https://dail.vermont.gov/sites/dail/files//documents/Res_Care_Hom_Licensing_Regulations_2000.pdf.) to be licensed, the facility must meet all licensing requirements.

Regulations Implementing the Developmental Disabilities Act of 1996. These regulations outline how services to individuals with developmental disabilities must be provided. There are several sections of these regulations that apply to home supports.

<https://humanservices.vermont.gov/sites/ahsnew/files/documents/MedicaidPolicy/7.100%20final-clean.ddact-regulations-10-01-2017.pdf>

See sections 1.23, 4.7(g), 6.2 and 6.3. Home supports are an allowable service under HCBS. The limitations regarding the use of HCBS funding are outlined in the State System of Care Plan for Developmental Disabilities Services. Room and board payments are not covered. See [Sections of the Vermont State System of Care Plan for DDS related to housing.pdf](#) for more details on the rules in the System of Care Plan related to home supports.