

## **Summary of Proposed Changes to Regulations Implementing the Developmental Disabilities Act of 1996 (“Regulations”)**

This is a summary only of the changes to the Regulations that are being suggested by the Developmental Disabilities Services Division (“the State”). It is not a summary of the full Regulations.

This is to help you understand what the State is suggesting should be changed. Many of the changes are about formatting. Those changes do not affect what the Regulations are about.

There are four major changes:

1. The State is suggesting some changes to the description for deciding whether a young child is eligible for services. On page 9, “Young child means a person who is under age 6.” Before the Regulations said, “Young child means a person not yet old enough to enter first grade.” This change makes the definition of a “young child” clearer.

The State is suggesting some other changes to line up with other state programs for young children. This makes it easier for young children and their families. They don’t have to have testing again if the information is already available. The changes suggested are just updated language and they do not change which young children would be eligible.

2. We are suggesting changes related to IQ testing to decide if people age 6 and up are eligible for Developmental Disabilities Services (DDS). These changes are on page 13. These changes are about Full-Scale IQ (FSIQ) scores.

When a person has some FSIQ test scores above 70 and some scores below 70, the psychologist decides which test is the best one to use. If all the person’s test scores are higher than 75, the person is not eligible for Developmental Disabilities Services.

Right now, the regulations say that if all test scores are above 70, the person would not be eligible, so this *expands* who may be eligible DDS.

3. We are removing Section 8. This section is about grievances and appeals. It is being replaced with other information that is found in the Global Commitment to Health regulations. The Federal government changed the regulations for grievances and appeals in 2018 and we need to make sure that these Regulations include the right information.

The State cannot change the words that have to go in Regulations for grievances and appeals. The process for grievances and appeals is not changing. The Regulations need to have the right information in them, and this change makes sure that the information about grievances and appeals is correct.

The State will work with stakeholders to create useful materials, so they understand their rights.

4. The fourth change we are suggesting is to get rid of Intermediate Care Facilities for people with developmental disabilities (ICF/DD) as one of the home support options. Vermont only had one ICF/DD which provided services for six people who had high medical needs, but it has closed.

You can share your thoughts about if the State should try to create a new ICF/DD or not.

### **Summary of Next Steps**

The State will share these changes with the State Program Standing Committee.

First, we will all talk about these changes during the meeting. The State will write down input that people have during the meeting.

Next, the Committee will have 30 days to share more thoughts with the State. Your thoughts will be considered. If the State can make changes based on the input, we will.

You should email Judy after the meeting if you have more things to share.

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After 30 days, the State will send the Regulations to the Interagency Committee on Administrative Rules (ICAR) and then to the Secretary of State's Office.

After the Secretary of State's Office gets a copy of the Regulations, there will be a public comment period and all Vermonters can let us know their thoughts. The public comment period and where and how to provide comments will be advertised in newspapers in VT and the State will also share that information widely.

During the public comment period, the State will ask for people to tell us what they think in lots of ways. We will have meetings around the State, and with different groups, and a website for people to send comments to us.