

STATE COUNCIL ON

DEVELOPMENTAL

DISABILITIES

State Developmental Disability Council

The Vermont Agency of Human Services acts as the designated agency for the Vermont Developmental Disabilities Council [the Council.] The Vermont Developmental Disability Council is a Council established under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, 42 U.S.C. 15001 et seq.:

PURPOSE (Section 121)

...(1) engage in advocacy, capacity building and systems change activities...and

(2) contribute to a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

COMPREHENSIVE REVIEW AND ANALYSIS: STATE PROVISION OF INFORMATION ON ICF/MR AND HCBW [Section 124(c) (3) ; C) (vii) – (viii)]

The Council's Plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports and other assistance for those individuals and their families in the state. The results of the comprehensive review and analysis shall include-...

(C)(vii) a description of the adequacy of health care and other services, supports and assistance that individuals with developmental disabilities who are in facilities receive based in part on each independent review (pursuant to section 1902(a)(30)(c) of the Social Security Act) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review; and (viii) to the extent that information is available, a description of the adequacy of health care and other services, supports and assistance that individuals with developmental disabilities who are served through Home and Community-Based Waiver [HCBW] receive.

A. IN GENERAL [Section 124(c) (5) (A)]

The Council Plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary of Health & Human Services.

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B. USE OF FUNDS [Section 124(c) (5) (B) (i)-(vi)]

With respect to the funds paid to the State under section 122, the Agency of Human Services [AHS] assures that-

- (i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);
- (ii) such funds will contribute to the achievement of the purpose of this subtitle in various political sub-divisions of the State;
- (iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would other-wise be made available for the purposes for which the funds paid under section 122 are provided;
- (iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;
- (v) part of such funds will be made available by the State to public or private entities;
- (vi) at the request of the State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½...of the expenditures found to be necessary by the Deputy Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or \$50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and
- (vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that-

- (I) contribute to the achievement of the purpose of this subtitle; and
- (II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION [Section 124(c) (5) (C)]

AHS assures that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST [Section 124(c) (5) (D)]

AHS assures that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS [Section 124(c) (5) (E)]

AHS assures that special financial and technical assistance will be given to organizations that provide community service, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

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(F) PROGRAM ACCESSIBILITY STANDARDS [Sections 124(c) (5) (F)]

AHS assures that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Deputy Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES [Section 124(c) (5) (G)]

AHS assures that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) HUMAN RIGHTS [Section 124(c) (5) (H)]

AHS assures that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) MINORITY PARTICIPATION [Section 124(c) (5) (I)]

AHS assures that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) EMPLOYEE PROTECTIONS [Section 124(c) (5) (J)]

AHS assures that fair and equitable arrangements (as determined by the Deputy Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) STAFF ASSIGNMENTS [Section 124(c) (5) (K)]

AHS assures that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

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(L) NONINTERFERENCE [Section 124(c) (5) (L)]

AHS assures that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State Plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d) (3).

(M) STATE QUALITY ASSURANCE [Section 124(c) (5) (M)]

AHS assures that the Council will participated in the planning, design or redesign, and monitoring of the State quality assurance systems that affect individuals with developmental disabilities.

(N) OTHER ASSURANCES [Section 124(c) (5) (N)]

AHS assures that the plan shall contain such additional information and assurances as the Secretary [of Department of Health and Human Services] may find necessary to carry out the provisions (including the purpose) of this subtitle.

**Priority areas &
Projected Funding Plan break-out**

(i) State Name: VERMONT (ii) Federal Fiscal Year: 2015

Basic Priority Categories	Total Projected Funding
Goal Activities (Nine Areas of Emphasis Services Allocation)	\$443,500
General Management (Non-Services Allocation)	\$ 85,000
Anticipated Services Match	\$86,167
Anticipated Non-services Match	\$28,333
Subtotal Federal Allocation *	\$528,500
Subtotal Non-Federal	\$114,500
Total Budget FY'15	\$653,000

* Includes FY2015 Carry-forward of \$ 76,947

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<u>NAME</u>	<u>ADDRESS</u>	<u>QUALIFICATION</u>	<u>TERM EXPIRES</u>
Fred Breunig	Brattleboro	Parent of adult	3/31/15
Ron Clark	NA	AHS-SSA Title XIX	unlimited
Craig Davis	Middlebury	Individual w/ disability	3/31/16
Gary DeCarolis	Burlington	Parent of adult	3/31/14
Diane Dexter	NA	AHS~ DCF	unlimited
Dale Hackett	Barre	Individual w/disability	3/31/16
John Hall	Newport	Individual w/disability	3/31/16
Carol Hassler, MD	NA	AHS~ SSA-Title V	unlimited
Catherine Hybels	White River Jct	Parent of child	3/31/15
Wendy Kruger	Morrisville	Parent of adult	3/31/16
Clare McFadden	NA	AHS ~ Older Americans	unlimited
Rachel MacMartin	Montpelier	Individual w/disability	3/31/16
Joe Nusbaum	NA	AHS~Rehab Act	unlimited
Ed Paquin	NA	Disability Rights VT	3/31/16
Lisa Rudiakov	Bennington	Individual w/disability	3/31/15
Marcella Ryan	Winooski	Individual w/disability	3/31/17
Susan Ryan	NA	UCEDD	3/31/17
Cynthia Smith	Fair Haven	Parent of adult	3/31/15
Jennifer Stratton	Morrisville	Non-profit	3/31/16
John Spinney	NA	Agency of Education	unlimited