



State of Vermont
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Michael K. Smith, *Secretary*

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Date: January 13, 2020

RE: Public Comments for GCR 19-074: Specialized Therapeutic Residential Treatment

Below please find the response to comments received. Vermont Legal Aid submitted a letter commenting on this change which can be found on the following page.

Response: Thank you for your comment. The Agency of Human Services recognizes its responsibility to provide support services to children and youth who have Severe Mental Illness and Serious Emotional Disturbance. This service, Specialized Therapeutic Residential Treatment, is one of a few initiatives which are being undertaken as the Agency strives to meet the needs of this population. The Department for Children and Families (DCF) is releasing a Request for Proposals to provide residential and/or community-based treatment and services for this population. In addition, the Department of Mental Health (DMH) and DCF have jointly released a Request for Proposals seeking assistance from a consultant to analyze the existing residential system of care and make recommendations to ensure the system meets the needs of children, youth, and families in Vermont. As the Agency continues to endeavor to meet the needs of this population, it welcomes the continued feedback from and collaboration with internal and external partners.

VERMONT LEGAL AID, INC.

DISABILITY LAW PROJECT
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By email to: AHS.MedicaidPolicy@vermont.gov

December 27, 2019

Ashley Berliner, Director of Healthcare Policy and Planning
Agency of Human Services
280 State Drive, Center Building
Waterbury, VT
05671-1000

Re: Comments on GCR 19-074: Specialized Therapeutic Residential Treatment

Dear Ashley:

Thank you for the opportunity to comment on proposed GCR-19074 regarding Specialized Therapeutic Residential Treatment. The Disability Law Project provides legal advocacy for individuals with disabilities and their families in civil matters related to an individual's disability. This includes advocacy for services entitled under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) mandate, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA). Under the terms of our funding grants, the scope of our representation includes children and youth with Severe Mental Illness and Serious Emotional Disturbance. We applaud the state's policy proposal to fund two beds for therapeutic residential treatment services for at-risk youth in need of specialized foster care. However, while the availability of these services may somewhat reduce the use of inpatient and emergency department services, it is insufficient to ensure Vermont's compliance with Early and Periodic Screening, Diagnostic and Treatment (EPSDT) requirements and the Americans with Disabilities Act as they relate to children and youth with Severe Mental Illness and Serious Emotional Disturbance.

The Disability Law Project regularly speaks with families seeking access to needed mental health services for their children. Many of these families live in constant crisis due to the lack of treatment options and services for their child with Serious Emotional Disturbance or other Serious Mental Health issues. They are presented with the choice of either sending their child to an out-of-state residential program or maintaining their child at home with insufficient treatment and supports. Similarly, families struggle with the lack of step-down services for children and youth returning from residential treatment. We frequently hear from parents who are told their child is going to be discharged from residential treatment but the parent fears the community-

based services available for that child upon return home are insufficient to keep other family members safe. These parents are sometimes told that if they do not take their child back in the home they will be reported to DCF, placing them in the untenable position of choosing between the protection of one child at the risk of losing custody of the other.

We are also seeing a trend in some schools of using the emergency department to address student behaviors where school-based behavior intervention plans are inadequate to address those behaviors. In some of these instances, the school has failed in its obligation to provide the student with an appropriate and effective behavior intervention plan; in other instances, the school's best efforts are thwarted by the lack of other available community-based resources.

Finally, we continue to hear from families who report they are being told that in order to access needed mental health services for their child, they need to place their child in DCF custody.

We fully support the state's efforts to ensure the availability of supports to effectively treat Severe Mental Illness and Serious Emotional Disturbance in children and youth, but feel the funding of only two residential treatment beds for at-risk youth is insufficient to meet the need, and fails to ensure state compliance with the requirements of EPSDT and the ADA.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Breiden". The signature is written in a cursive, flowing style.

Nancy Breiden
Director