



Vermont Developmental Disabilities Council

100 State Street, suite 342
Montpelier, Vermont 05633-0206

(802) 828-1310
vtddc@vermont.gov
www.ddc.vermont.gov

PUBLIC COMMENT

TO: Green Mountain Care Board

FROM: Susan Aranoff, Esq., Policy Analyst and Planner

RE: Health Care Workforce Development
Strategic Plan Draft

DATE: November 1, 2021

Thank you for the opportunity to comment on the draft of Vermont's Health Care Workforce Development Strategic Plan ("the Plan").

The Vermont Developmental Disabilities Council (hereafter "the Council") is a statewide board created by the federal Developmental Disabilities Assistance and Bill of Rights Act (hereafter "the DD Act"), first adopted by Congress in 1970.

As a condition of receiving funds under the DD Act, the Agency of Human Services has signed a set of assurances with the U.S. Agency of Health and Human Services, Administration for Community Living, including a statement regarding state quality assurance activities. Specifically, Section M states:

"The Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities." (See attached).

Given the role identified in this assurance, it is especially important that the Council comment on the Plan and remain actively engaged in initiatives to improve the healthcare workforce in Vermont, especially the workforce that provides home and community-based services (HCBS).

First, the Council would like to thank the plan's author for acknowledging that the draft Plan does not adequately include the workforce that provides HCBS to people with disabilities. We look forward to the inclusion of this vital workforce in the final version of the Plan

The lack of an adequately paid and qualified workforce is the most urgent problem facing our HCBS systems today. Medicaid rates for HCBS have not tracked with inflation. Unlike hospitals, there is no

guarantee of an annual increase to offset rising cost for providers of HCBS. The COVID pandemic exacerbated already severe workforce challenges caused by years of underfunding.

According to Vermont Care Partners, the current turnover rate for staff supporting people with intellectual or developmental disabilities doubled from 23% in 2020 to 45% in 2021. Turnover is expensive, costing agencies thousands of dollars to onboard new workers. It also causes setbacks for the beneficiary who may experience physical and mental health challenges related to adjusting to a new provider. Still worse, however is the risk posed by vacancies. The workforce crisis jeopardizes the security of Vermonters with disabilities because they cannot access the support necessary to maintain employment, manage household duties, and engage with friends and family. In some cases, without support, individuals with I/DD cannot even engage in an activity as basic as communication.

Reimbursement rates for HCBS must be raised to a level that ensures parity with other paraprofessionals who work with Vermonters experiencing a physical or mental health condition. Wages and benefits must reflect the demanding nature of the work done by those who provide care in the home and in the community. Going forward, annual increases must keep up with inflation and allow the community agencies to recruit, hire, train, and retain good staff. Moreover, compensation should align across all HCBS programs – Choices for Care, Developmental Disability Services, Traumatic Brain Injury, and Community Rehabilitation and Treatment. It should not matter which “door” a recipient of HCBS comes through.

Wages, however, are only part of the picture. As reimbursement rates have eroded, so too have training standards. Positions like direct support professional (DSPs) need enhanced status, expanded training options, and clear paths to career advancement. DSPs should have the opportunity to acquire, demonstrate, and be rewarded for increasingly advanced skills.

American Rescue Plan Act (ARPA) funding under Section 9817 represents a once-in-a generation opportunity to address longstanding weaknesses in the delivery of long-term care in Vermont. With careful planning, this resource will not only dramatically improve the quality of life for citizens with community care needs, but it can also make a measurable difference in addressing disparities faced by Vermonters with disabilities across many health indicators. A significant portion of the ARPA funding must go to creating permanent solutions to the workforce challenges that have plagued HCBS for so long.

Further, the Agency of Human Services should work with the Legislature to establish a process that ensures the rates for wages paid to support home and community-based services are sufficient to the task of sustaining these vital services. Vermonters with disabilities, elders, people recovering from surgery need quality services they can depend on.

Attachment A

AHS / Vermont Developmental Disability Council's Assurances

Assurances reference Section 124 (c)(5)(B-N)

The [insert state or territory] provides the following assurances to support the [insert Council name] Five Year Plan 2017-2021 .

(B) USE OF FUNDS


- (i) not less than 70 percent of such funds will be expended for activities related to the goals of the Council Five Year State Plan;
- (ii) such funds will contribute to the achievement of the purpose of Subtitle B of Public Law 106-402, The Developmental Disabilities Assistance and Bill of Rights Act of 2000 and 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 any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to 1/2 (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the 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. -The State assures that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST. -No member of the 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. -Special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

- (F) **PROGRAM ACCESSIBILITY STANDARDS.** -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 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.** - 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.** - 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.** - 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.** - Fair and equitable arrangements (as determined by the 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.** -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.
- (L) **NONINTERFERENCE.** -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.** - The Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.
- (N) **OTHER ASSURANCES.** -The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.



Designated State Agency Representative Signature and Date

Council Chairperson Signature (if the Council operates as its own DSA) and Date

Other signatures as appropriate to State/Territory