

No. 33. An act relating to community supports for persons with serious functional impairments.

(H.403)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. STUDY AND REPORT ON PROVIDING COMMUNITY
SUPPORTS TO PERSONS WITH SERIOUS FUNCTIONAL
IMPAIRMENTS

(a) As used in this act, “designated population” shall mean those Vermont residents, regardless of whether they are in the custody of the Commissioner of Corrections, with mental and functional impairments or developmental disorders so severe that they cannot live in the community without substantial supports and who have committed, been charged with, or have been identified as being at risk of committing a criminal offense that renders them a threat to public safety or who pose a risk to their own physical safety, or both.

(b) A legislative study committee is established to identify and examine the needs of the designated population in community-based settings. The Study Committee shall also be charged with determining how to most effectively allocate funds for the designated population within the constraints of past appropriations made for the purpose of serving this population. The Study Committee shall consist of a member from the House Committees on Appropriations, on Corrections and Institutions, on Human Services, and on Judiciary, not all from the same party, appointed by the Speaker of the House, and a member from the Senate Committees on Appropriations, on Health and Welfare, on Judiciary, and one Senator selected at large, not all from the same

party, appointed by the Committee on Committees. The Study Committee shall discuss and make recommendations on legislative and nonlegislative solutions for improving the quality and cost-effectiveness of treatment to the designated population while maintaining public safety, in collaboration with the following organizations and individuals or their designee:

- (1) the Secretary of Human Services;
- (2) the Commissioner of Health;
- (3) the Commissioner of Disabilities, Aging, and Independent Living;
- (4) the Commissioner of Mental Health;
- (5) the Commissioner of Corrections;
- (6) the Commissioner of Vermont Health Access;
- (7) the Commissioner for Children and Families;
- (8) the Office of the Attorney General;
- (9) the Mental Health Care Ombudsman;
- (10) the Court Administrator;
- (11) the Vermont Council of Developmental and Mental Health

Services;

- (12) Vermont Legal Aid's Mental Health Law Project;
- (13) the Executive Director of the Vermont Developmental Disabilities

Council;

- (14) the Executive Director of the Vermont Human Rights Commission;
- (15) Disability Rights Vermont;

(16) Vermont Psychiatric Survivors;

(17) Vermont League of Cities and Towns;

(18) Office of the Defender General's Prisoners' Rights Office; and

(19) other interested stakeholders.

(c)(1) The first meeting of the Study Committee shall be held on or before August 1, 2013. At its first meeting, the Study Committee shall elect two legislative members to serve as co-chairs. The Study Committee shall not meet more than four times.

(2)(A) The Office of Legislative Council shall provide administrative, staff, and legislative drafting support to the Study Committee. The Joint Fiscal Office shall provide staff support to the Study Committee.

(B) Prior to the first meeting of the Study Committee, the Office of Legislative Council shall collect from the Agency of Human Services existing data and background materials relevant to the responsibilities of the Study Committee, including past appropriations used to serve the designated population.

(d) The Study Committee shall consider:

(1) the continuum of appropriate treatment and services and supports for members of the designated population living in the community;

(2) practices for lowering the incarceration rate among the designated population;

(3) how best to protect the legal rights of members of the designated population living in community settings;

(4) approaches for managing public safety risks of the designated population;

(5) cost-saving opportunities for treating members of the designated population outside a correctional facility;

(6) treatment approaches used in other states that cost-effectively manage the public safety risks posed by residents comparable to the designated population; and

(7) any other issues as the Study Committee deems necessary and appropriate.

(e) On or before December 15, 2013, the Study Committee shall provide a written report containing any proposed legislation and its findings and recommendations, including the need for future action, to the House Committees on Appropriations, on Corrections and Institutions, on Human Services, and on Judiciary and to the Senate Committees on Appropriations, on Health and Welfare, and on Judiciary. In addition to the Study Committee's findings and recommendations, the report shall:

(1) develop proposed guidelines specifying how an individual shall be assessed to determine if he or she is a member of the designated population and what benchmarks shall be achieved by the individual prior to declassification from the designated population;

(2) address the extent to which one or more secure residential recovery facilities are within the appropriate continuum of treatment alternatives for the designated population; and

(3) evaluate the cost of potential treatment opportunities found by the Study Committee to appropriately balance care, legal rights, and public safety.

(f) For physical participation at meetings, legislative members of the Study Committee shall be entitled to receive per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

Date the Governor signed the bill: May 14, 2013