1	S.271
2	Introduced by Senator Fox
3	Referred to Committee on
4	Date:
5	Subject: Human services; developmental disabilities; TBI; substance abuse;
6	departmental reorganization
7	Statement of purpose of bill as introduced: This bill proposes to transfer the
8	Division of Alcohol and Drug Abuse Programs from the Department of Health
9	to the Department of Mental Health and to transfer responsibility for the
10	Traumatic Brain Injury Program and Developmental Disability Services from
11	the Department of Disabilities, Aging, and Independent Living to the
12	Department of Mental Health, and rename the latter accordingly.
13 14	An act relating to the reorganization of the Departments of Health, Mental Health, and Disabilities, Aging, and Independent Living
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	* * * Purpose * * *
17	Sec. 1. PURPOSE
18	It is the intent of the General Assembly to reorganize the Agency of Human
19	Services by transferring to the Department of Addiction, Mental Health, and
20	Cognitive Services responsibility for the Division of Alcohol and Drug Abuse

1	Programs from the Department of Health and the Traumatic Brain Injury
2	Program and Developmental Disability Services from the Department of
3	Disabilities, Aging, and Independent Living.
4	* * * Secretary of State * * *
5	Sec. 2. 3 V.S.A. § 128 is amended to read:
6	§ 128. DISCIPLINARY ACTION TO BE REPORTED TO THE BOARD
7	(a) Any hospital, clinic, community mental health center, or other health
8	care institution in which a licensee performs professional services shall report
9	to the appropriate board, along with supporting information and evidence, any
10	disciplinary action taken by it or its staff, after an initial investigation or
11	hearing in which the licensee has been afforded the opportunity to participate,
12	which limits or conditions the licensee's privilege to practice or leads to
13	suspension or expulsion from the institution. The report shall be made within
14	ten days of the date such disciplinary action was taken, regardless of whether
15	the action is the subject of a pending appeal, and in the case of a licensee who
16	is employed by, or under contract with, a community mental health center, a
17	copy of the report shall also be sent to the commissioner of mental health and
18	mental retardation Commissioner of Addiction, Mental Health, and Cognitive
19	Services. This section shall not apply to cases of resignation, separation from
20	service, or changes in privileges which are unrelated to:
21	* * *

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1	* * * Human Services * * *
2	Sec. 3. 3 V.S.A. § 3051 is amended to read:
3	§ 3051. COMMISSIONERS; DEPUTY COMMISSIONERS;
4	APPOINTMENT; TERM
5	* * *
6	(b) For the Department of Health, the Secretary, with the approval of the
7	Governor, shall appoint <u>a</u> deputy <del>commissioners</del> <u>commissioner</u> for the
8	following divisions of the Department: Division of Public Health
9	(1) Public Health;
10	(2) Substance Abuse.
11	* * *
12	Sec. 4. 3 V.S.A. § 3083 is amended to read:
13	§ 3083. DEPARTMENT OF <del>DEVELOPMENTAL AND</del> <u>ADDICTION,</u>
14	MENTAL HEALTH, AND COGNITIVE SERVICES
15	The department of developmental and mental health services Department of
16	Addiction, Mental Health, and Cognitive Services is created within the agency
17	of human services Agency of Human Services as the successor to and the
18	continuation of the department of mental health Department of Mental Health,
19	of the Division of Alcohol and Drug Abuse Programs in the Department of
20	Health, and of the Traumatic Brain Injury Program and Developmental

1	Disability Services in the Department of Disabilities, Aging, and
2	Independent Living.
3	Sec. 5. 3 V.S.A. § 3085a is amended to read:
4	§ 3085a. DEPARTMENT OF DISABILITIES, AGING, AND
5	INDEPENDENT LIVING
6	The department of disabilities, aging, and independent living Department of
7	Disabilities, Aging, and Independent Living is created within the agency of
8	human services Agency of Human Services as the successor to and
9	continuation of the department of aging and disabilities, the developmental
10	services division of the department of developmental and mental health
11	services, Department of Aging and Disabilities and of the personal care and
12	hi-tech programs in the former department of prevention, assistance, transition,
13	and health access Department of Prevention, Assistance, Transition, and
14	Health Access to manage programs and to protect the interests of older
15	Vermonters and Vermonters with physical disabilities. It shall serve as the
16	state State unit on aging, as provided by the Older Americans Act of 1965, as
17	amended, and it shall serve as the administrative home within the agency of
18	human services Agency of Human Services for the designated state State
19	agencies for federal vocational rehabilitation and independent living programs,
20	as provided by the Rehabilitation Act of 1973, as amended.

1	* * * Health Insurance * * *
2	Sec. 6. 8 V.S.A. § 4062b is amended to read:
3	§ 4062b. MEDICARE SUPPLEMENTAL HEALTH INSURANCE
4	(a) Within five days of receiving a request for approval of any composite
5	average rate increase in excess of three percent, or any other coverage changes
б	which the commissioner Commissioner determines will have a comparable
7	impact on cost or availability of coverage for a Medicare supplemental
8	insurance policy issued by any group or nongroup health insurance company,
9	hospital or medical service organization, or health maintenance organization,
10	with 5,000 or more total lives in the Vermont Medicare supplement market, the
11	commissioner Commissioner shall notify the department of disabilities, aging,
12	and independent living Departments of Disabilities, Aging, and Independent
13	Living and of Addiction, Mental Health, and Cognitive Services of the
14	proposed premium increase. A composite average rate is the
15	enrollment-weighted average rate increase of all plans offered by a carrier.
16	(b) Within Notice of the proposed premium increase shall be given within
17	five days after receiving notification pursuant to subsection (a) of this
18	section <del>,</del> <u>by:</u>
19	(1) the department of disabilities, aging, and independent living shall
20	inform Department of Disabilities, Aging, and Independent Living to the

1	members of the advisory board Advisory Board established pursuant to
2	33 V.S.A. § 505 of the proposed premium increase; and
3	(2) the Department of Addiction, Mental Health, and Cognitive Services
4	to the members of the Advisory Board established pursuant to 18 V.S.A.
5	§ 8733 and to the Board of Addiction, Mental Health, and Cognitive Services
6	established pursuant to 18 V.S.A. § 7301.
7	* * *
8	* * * Insanity as a Defense * * *
9	Sec. 7. 13 V.S.A. § 4821 is amended to read:
10	§ 4821. NOTICE OF HEARING; PROCEDURES
11	The person who is the subject of the proceedings, his or her attorney, the
12	legal guardian, if any, the commissioner of mental health or the commissioner
13	of disabilities, aging, and independent living Commissioner of Addiction,
14	Mental Health, and Cognitive Services, and the state's attorney State's
15	Attorney or other prosecuting officer representing the state State in the case,
16	shall be given notice of the time and place of a hearing under the preceding
17	section. Procedures for hearings for persons who are mentally ill shall be as
18	provided in <u>18 V.S.A.</u> chapter 181 of Title 18. Procedures for hearings for
19	persons who are mentally retarded shall be as provided in <u>18 V.S.A. chapter</u>
20	206, subchapter 3 of chapter 206 of Title 18.

1	Sec. 8. 13 V.S.A. § 4822 is amended to read:
2	§ 4822. FINDINGS AND ORDER; MENTALLY ILL PERSONS
3	(a) If the court <u>Court</u> finds that such person is a person in need of treatment
4	or a patient in need of further treatment as defined in 18 V.S.A. § 7101, the
5	court Court shall issue an order of commitment directed to the Commissioner
6	of Developmental and Mental Health Services Addiction, Mental Health, and
7	Cognitive Services, which shall admit the person to the care and custody of the
8	Department of Developmental and Mental Health Services Addiction, Mental
9	Health, and Cognitive Services for an indeterminate period. In any case
10	involving personal injury or threat of personal injury, the committing court
11	Court may issue an order requiring a court hearing before a person committed
12	under this section may be discharged from custody.
13	* * *
14	(e) If the court Court determines that commitment shall no longer be
15	necessary, it shall issue an order discharging the patient from the custody of
16	the Department of Developmental and Mental Health Services Addiction,
17	Mental Health, and Cognitive Services.
18	* * *
19	Sec. 9. 13 V.S.A. § 4823(a) is amended to read:
20	(a) If the court <u>Court</u> finds that such person is a person in need of custody,
21	care, and habilitation as defined in 18 V.S.A. § 8839, the court Court shall

1	issue an order of commitment directed to the commissioner of disabilities,
2	aging, and independent living Commissioner of Addiction, Mental Health, and
3	Cognitive Services for care and habilitation of such person for an indefinite or
4	limited period in a designated program.
5	* * * Crime Victims * * *
6	Sec. 10. 13 V.S.A. § 5411a(l) is amended to read:
7	(1) A sex offender's street address shall not be posted electronically if the
8	offender has a developmental disability, receives funding from the Department
9	of Disabilities, Aging, and Independent Living (DAIL) Department of
10	Addiction, Mental Health, and Cognitive Services for 24-hour supervision and
11	treatment, and resides in a residence that is equipped with alarms. However,
12	this information shall be otherwise available pursuant to this section. An
13	agency designated pursuant to 18 V.S.A. § 8907 to provide mental health and
14	developmental disability services (DA), or a specialized service agency (SSA)
15	operating under an agreement entered into pursuant to 18 V.S.A. § 8912 which
16	is providing supervision for the offender shall immediately notify the
17	administrator of the sex offender registry Sex Offender Registry and local law
18	enforcement if the individual's level of supervision is decreased from 24 hours
19	or if the offender leaves his or her residence without authorization, and
20	thereafter this subsection shall cease to apply to that offender. If after notice
21	and hearing, the Commissioner of DAIL Addiction, Mental Health, and

1	Cognitive Services finds that the DA or SSA has failed to notify the
2	administrator of the sex offender registry Sex Offender Registry and local law
3	enforcement of a decrease from 24-hour supervision or absence without
4	authorization by the offender within 24 hours of the change in status, the
5	Commissioner may impose an administrative penalty of not more than
6	\$1,000.00 for each day of the violation. A DA or SSA shall have the right to a
7	de novo appeal of a decision under this subsection pursuant to Rule 75 of the
8	Vermont Rules of Civil Procedure.
9	* * * Guardianship * * *
10	Sec. 11. 14 V.S.A. § 3067(a) is amended to read:
11	(a) When a petition is filed pursuant to section 3063 of this title, or when a
12	motion for modification or termination is filed pursuant to subdivision
13	3077(a)(4) of this title, the court Court shall order an evaluation of the
14	respondent. Except as otherwise provided in this subsection, the cost of the
15	evaluation shall be paid for out of the respondent's estate or as ordered by the
16	court Court. If the respondent is unable to afford some or all of the cost of the
17	evaluation without expending income or liquid resources necessary for living
18	expenses, the court <u>Court</u> shall order that the department of mental health or
19	the department of disabilities, aging, and independent living Department of
20	Addiction, Mental Health, and Cognitive Services provide the evaluation
21	through qualified evaluators.

1	* * * Secretary of Education * * *
2	Sec. 12. 16 V.S.A. § 212 is amended to read:
3	§ 212. COMMISSINONER'S SECRETARY'S DUTIES GENERALLY
4	The Commissioner Secretary shall execute those policies adopted by the
5	State Board in the legal exercise of its powers and shall:
6	* * *
7	(13) Ensure the provision of services to children and adolescents with a
8	severe emotional disturbance in coordination with the Department
9	Departments of Mental Health, the Department Addiction, Mental Health, and
10	Cognitive Services and for Children and Families, and the Department of
11	Disabilities, Aging, and Independent Living pursuant to the provisions of
12	33 V.S.A. chapter 43.
13	* * *
14	* * * Courses of Study * * *
15	Sec. 13. 16 V.S.A. § 910 is amended to read:
16	§ 910. COORDINATION OF SERVICES TO CHILDREN AND
17	ADOLESCENTS WITH A SEVERE EMOTIONAL DISTURBANCE
18	Each town, city, interstate, incorporated, unified, or union school district
19	shall cooperate with the Department of Mental Health, the Department for
20	Children and Families, the Department of Disabilities, Aging, and Independent
21	Living, and the Department of Education in Agency of Education and the

1	Departments of Addiction, Mental Health, and Cognitive Services and for
2	Children and Families when coordinating educational services to children and
3	adolescents with a severe emotional disturbance pursuant to the provisions of
4	33 V.S.A. chapter 43.
5	* * * Special Education * * *
6	Sec. 14. 16 V.S.A. § 2943 is amended to read:
7	§ 2943. COMMISSIONER SECRETARY OF EDUCATION FOR
8	CHILDREN WITH DISABILITIES; POWERS
9	The Commissioner Secretary of Education, by virtue of the office, shall be
10	Commissioner Secretary of Education for children with disabilities and shall
11	superintend all matters relating to the essential early education and special
12	education of children with disabilities. In addition, the Commissioner
13	Secretary, in coordination with the department of mental health, the
14	department of disabilities, aging, and independent living, and the department
15	for children and families Departments of Addiction, Mental Health, and
16	Cognitive Services and for Children and Families, shall ensure that appropriate
17	educational services are provided to children and adolescents with a severe
18	emotional disturbance in accordance with the provisions of 33 V.S.A.
19	chapter 43 and may accept gifts, grants, or other donations to carry out the
20	purpose of this chapter.

1	* * * Department of Health; General Provisions * * *
2	Sec. 15. 18 V.S.A. § 1 is amended to read:
3	§ 1. GENERAL POWERS OF DEPARTMENT OF HEALTH
4	As herein or elsewhere specified, the department of health Department of
5	Health shall have power to supervise and direct the execution of all laws
6	relating to public health and substance abuse.
7	Sec. 16. 18 V.S.A. § 5 is amended to read:
8	§ 5. DUTIES OF DEPARTMENT OF HEALTH
9	The department of health Department of Health shall:
10	(1) Conduct studies, develop state State plans, and administer programs
11	and state State plans for hospital survey and construction, hospital operation
12	and maintenance, and medical care, and treatment of substance abuse.
13	* * *
14	* * * Possession and Control of Regulated Drugs * * *
15	Sec. 17. 18 V.S.A. § 4240 is amended to read:
16	§ 4240. PREVENTION AND TREATMENT OF OPIOID-RELATED
17	OVERDOSES
18	* * *
19	(b) For the purpose of addressing prescription and nonprescription opioid
20	overdoses in Vermont, the Department of Addiction, Mental Health, and

1	Cognitive Services shall develop and implement a prevention, intervention,
2	and response strategy, depending on available resources, that shall:
3	* * *
4	(c)(1) A health care professional acting in good faith may directly or by
5	standing order prescribe, dispense, and distribute an opioid antagonist to the
6	following persons, provided the person has been educated about opioid-related
7	overdose prevention and treatment in a manner approved by the Department $\underline{of}$
8	Addiction, Mental Health, and Cognitive Services:
9	* * *
10	* * * Treatment of Opioid Addiction * * *
11	Sec. 18. 18 V.S.A. § 4751 is amended to read:
12	§ 4751. PURPOSE
13	It is the purpose of this chapter to authorize the department of health
14	Department of Addiction, Mental Health, and Cognitive Services to establish a
15	regional system of opioid addiction treatment.
16	Sec. 19. 18 V.S.A. § 4752 is amended to read:
17	§ 4752. OPIOID ADDICTION TREATMENT SYSTEM
18	(a) The department of health Department of Addiction, Mental Health, and
19	Cognitive Services shall establish by rule a regional system of opioid addiction
20	treatment.
21	(b) The rules shall include the following requirements:

1	* * *
2	(4) Controlled substances for use in federally approved pharmacological
3	treatments for opioid addiction shall be dispensed only by:
4	(A) a treatment program authorized by the department of health
5	Department of Addiction, Mental Health, and Cognitive Services; or
6	(B) a physician or advanced practice registered nurse who is not
7	affiliated with an authorized treatment program but who meets federal
8	requirements for use of controlled substances in the pharmacological treatment
9	of opioid addiction.
10	* * *
11	* * * General Provisions * * *
12	Sec. 20. 18 V.S.A. § 7103(e) is amended to read:
13	(e) Mandatory disclosure to home providers.
14	(1) With the written consent of the individual, or his or her guardian, an
15	agency designated by the department of disabilities, aging, and independent
16	living or of health Department of Addiction, Mental Health, and Cognitive
17	Services to provide developmental disability and mental health services shall
18	disclose all relevant information, in writing, to a potential home care provider
19	for that individual so that the provider has the opportunity to make a fully
20	informed decision prior to the placement.

1	(2) If the individual, or his or her guardian, does not consent to the
2	disclosure, the placement will not occur unless the home care provider agrees,
3	in writing, to the placement, absent disclosure.
4	(3) A home care provider must furnish to any person providing respite
5	care, the individual's relevant information obtained from the agency
6	designated by the department of disabilities, aging, and independent living or
7	of health Department of Addiction, Mental Health, and Cognitive Services to
8	provide developmental disability and mental health services, as provided in
9	this subsection. Where the home care provider has agreed to placement
10	without disclosure, the home care provider shall inform the respite provider
11	of that fact.
12	(4) Home care and respite providers, whether or not they agree to a
13	placement, shall be subject to the confidentiality and disclosure requirements
14	of subsections (a), (b), and (c) of this section.
15	(5) As used in this subsection:
16	(A) "Home care provider" means a person or entity paid by an
17	agency designated by the department of disabilities, aging, and independent
18	living or of health Department of Addiction, Mental Health, and Cognitive
19	Services to provide developmental disability and mental health services, to
20	provide care in his or her home.

1	(B) "Relevant information" means information needed to protect the
2	individual and others from harm, including any relevant history of violent
3	behavior or conduct causing danger of harm to others, as defined in
4	subdivision 7101(17)(A) of this title, any medications presently prescribed to
5	the individual, and any known precursors of dangerous behavior that may
6	cause future harm.
7	(C) "Respite provider" means a person, paid by a home care
8	provider, to provide care by the day or overnight in the person's home.
9	(6) Any written disclosure of relevant information under this subsection
10	shall also include notice of the confidentiality and disclosure requirements of
11	this section.
12	(7) Where the individual has consented to disclosure, an agency
13	designated by the department of disabilities, aging, and independent living or
14	health Department of Addiction, Mental Health, and Cognitive Services to
15	provide developmental disability and mental health services shall provide
16	updated information regarding the individual to the home care provider.
17	Sec. 21. 18 V.S.A. § 7113 is amended to read:
18	§ 7113. INDEPENDENT EXAMINATION: PAYMENT
19	Whenever a court orders an independent examination by a mental health
20	professional or a qualified mental retardation professional pursuant to this title
21	or 13 V.S.A. § 4822, the cost of the examination shall be paid by the

1	department of disabilities, aging, and Independent living or of health
2	Department of Addiction, Mental Health, and Cognitive Services. The mental
3	health professional or qualified mental retardation professional may be selected
4	by the court Court but the commissioner of disabilities, aging, and independent
5	living or the commissioner Commissioner of Mental Health Addiction, Mental
6	Health, and Cognitive Services may adopt a reasonable fee schedule for
7	examination, reports, and testimony.
8	* * * The Department of Mental Health * * *
9	Sec. 22. 18 V.S.A. § 7201 is amended to read:
10	§ 7201. ADDICTION, MENTAL HEALTH, AND COGNITIVE SERVICES
11	The department of mental health Department of Addiction, Mental Health,
12	and Cognitive Services, as the successor to and continuation of the division of
13	mental health services of the department of health Department of Mental
14	Health, of the Division of Alcohol and Drug Abuse Programs in the
15	Department of Health, and of the Traumatic Brain Injury Program and
16	Developmental Disability Services in the Department of Disabilities, Aging,
17	and Independent Living, shall centralize and more efficiently establish the
18	general policy and execute the programs and services of the state State
19	concerning mental health, substance abuse, developmental disabilities, and
20	traumatic brain injuries, and shall integrate and coordinate those programs and
21	services with the programs and services of other departments of the state State,

1	its political subdivisions, and private agencies, so as to provide a flexible
2	comprehensive service to all citizens of the state State in mental health,
3	substance abuse, developmental disabilities, traumatic brain injuries, and other
4	related problems.
5	Sec. 23. 18 V.S.A. § 7202 is amended to read:
6	§ 7202. COORDINATION
7	The department of mental health Department of Addiction, Mental Health,
8	and Cognitive Services shall be responsible for coordinating efforts of all
9	agencies and services, government and private, on a statewide basis in order to
10	promote and improve the mental health of individuals through outreach,
11	education, and other activities. The department of disabilities, aging, and
12	independent living Department shall also be responsible for coordinating the
13	efforts of all agencies and services, government and private, on a statewide
14	basis in order to promote and improve the lives of individuals with substance
15	use disorders, developmental disabilities, and traumatic brain injuries.
16	* * * Mental Health System of Care * * *
17	Sec. 24. 18 V.S.A. § 7253 is amended to read:
18	§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT
19	* * *

1	(2) For the purpose of maintaining the integrity and effectiveness of the
2	clinical resource management system, the department of mental health
3	Department of Addiction, Mental Health, and Cognitive Services shall:
4	* * *
5	(B) coordinate care across the mental and physical health care
6	systems as well as ensure coordination within the agency of human services
7	Agency of Human Services, particularly the department of corrections
8	Department of Corrections, the department of health's alcohol and drug abuse
9	programs Division of Alcohol and Drug Abuse Programs, and the department
10	of disabilities, aging, and independent living Department of Disabilities,
11	Aging, and Independent Living;
12	* * *
13	* * * Commissioner of Mental Health * * *
14	Sec. 25. 18 V.S.A. § 7405 is amended to read:
15	§ 7405. PROPERTY IN TRUST
16	The commissioner Commissioner may take and hold in trust for the state
17	State any grant or devise of land or donation or bequest of money, or other
18	personal property, to be applied to the maintenance of mentally ill or
19	developmentally disabled persons.

1	* * * Sterilization * * *
2	Sec. 26. 18 V.S.A. § 8711 is amended to read:
3	§ 8711. CONDUCT OF HEARING
4	* * *
5	(d) The court Court shall order the commissioner of disabilities, aging, and
6	independent living Commissioner of Addiction, Mental Health, and Cognitive
7	Services to arrange for the preparation of a comprehensive medical,
8	psychological, and social evaluation of the person through developmental
9	disability agencies affiliated with the department Department. The
10	comprehensive evaluation shall be completed within 30 days of the receipt of
11	the petition. The medical report shall be prepared by a physician and shall
12	describe the physical condition of the respondent and the availability of the
13	effective alternative contraceptive measures to meet the needs of the person.
14	The psychological report shall include a diagnosis of the person's intellectual
15	ability and social functioning. The social report shall be prepared by a
16	qualified mental retardation professional, and shall describe the respondent's
17	developmental and social functioning.
18	* * *
19	Sec. 27. 18 V.S.A. § 8715(b) is amended to read:
20	(b) The cost of evaluations required by sections 8707 and 8709 of this title
21	shall be paid for out of appropriations of the department of disabilities, aging,

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1	and independent living Department of Addiction, Mental Health, and
2	Cognitive Services.
3	* * * Developmental Disabilities Act * * *
4	Sec. 28. 18 V.S.A. § 8722 is amended to read:
5	§ 8722. DEFINITIONS
6	As used in this chapter:
7	(1) "Department" means the department of disabilities, aging, and
8	independent living Department of Addiction, Mental Health, and
9	Cognitive Services.
10	* * *
11	(8) "Commissioner" means the Commissioner of Addiction, Mental
12	Health, and Cognitive Services.
13	Sec. 29. 18 V.S.A. § 8723 is amended to read:
14	§ 8723. DEPARTMENT OF <del>DISABILITIES, AGING, AND</del>
15	INDEPENDENT LIVING ADDICTION, MENTAL HEALTH, AND
16	COGNITIVE SERVICES; DUTIES
17	The department Department shall plan, coordinate, administer, monitor, and
18	evaluate state State and federally funded services for people with
19	developmental disabilities and their families within Vermont. The department
20	of disabilities, aging, and independent living Department shall be responsible
21	for coordinating the efforts of all agencies and services, government and

1	private, on a statewide basis in order to promote and improve the lives of
2	individuals with developmental disabilities. Within the limits of available
3	resources, the department Department shall:
4	(1) Promote the principles stated in section 8724 of this title and shall
5	carry out all functions, powers, and duties required by this chapter by
6	collaborating and consulting with people with developmental disabilities, their
7	families, guardians, community resources, organizations, and people who
8	provide services throughout the state State.
9	(2) Develop and maintain an equitably and efficiently allocated
10	statewide system of community-based services that reflect the choices and
11	needs of people with developmental disabilities and their families.
12	(3) Acquire and administer funding for these services and identify
13	needed resources and legislation.
14	(4) Establish a statewide procedure for applying for services.
15	(5) Facilitate or provide pre-service or in-service training and technical
16	assistance to service providers consistent with the system of care plan.
17	(6) Provide quality assessment and quality improvement support for the
18	services provided throughout the state State.
19	(7) Encourage the establishment and development of locally
20	administered and locally controlled nonprofit services for people with

1	developmental disabilities based on the specific needs of individuals and
2	their families.
3	(8) Promote and facilitate participation by people with developmental
4	disabilities and their families in activities and choices that affect their lives and
5	in designing services that reflect their unique needs, strengths, and
6	cultural values.
7	(9) Promote positive images and public awareness of people with
8	developmental disabilities and their families.
9	(10) Certify services that are paid for by the department Department.
10	(11) Establish a procedure for investigation and resolution of complaints
11	regarding the availability, quality, and responsiveness of services provided
12	throughout the state <u>State</u> .
13	* * * Care for Persons with Mental Disabilities * * *
14	Sec. 30. 18 V.S.A. § 8839 is amended to read:
15	§ 8839. DEFINITIONS
16	As used in this subchapter:
17	* * *
18	(2) "Designated program" means a program designated by the
19	commissioner Commissioner as adequate to provide in an individual manner
20	appropriate custody, care, and habilitation to persons with mental retardation
21	receiving services under this subchapter. Placement in the Brandon Training

1	School may only be accomplished through the procedures set forth in
2	subchapter 1 of chapter 206 of this title.
3	* * *
4	(4) "Commissioner" means the Commissioner of Addiction, Mental
5	Health, and Cognitive Services.
6	(5) "Department" means the Department of Addiction, Mental Health,
7	and Cognitive Services.
8	* * * Community Mental Health and Developmental Services * * *
9	Sec. 31. 18 V.S.A. § 8907(a) is amended to read:
10	(a) Except as otherwise provided in this chapter, the commissioner of
11	mental health and the commissioner of disabilities, aging, and independent
12	living Commissioner of Addiction, Mental Health, and Cognitive Services
13	shall, within the limits of funds designated by the legislature General
14	Assembly for this purpose, ensure that community services to mentally ill and
15	developmentally disabled persons throughout the state State are provided
16	through designated community mental health agencies. The commissioners
17	Commissioner shall designate public or private nonprofit agencies to provide
18	or arrange for the provision of these services.

1	Sec. 32. 18 V.S.A. § 8909 is amended to read:
2	§ 8909. BOARDS OF DIRECTORS OF NONPROFIT CORPORATIONS
3	DESIGNATED AS COMMUNITY MENTAL HEALTH AND
4	DEVELOPMENTAL DISABILITY AGENCIES
5	(a) The board of a nonprofit corporation that is designated by the
6	commissioner of mental health or of disabilities, aging, and independent living
7	Commissioner of Addiction, Mental Health, and Cognitive Services to be a
8	community mental health and developmental disability agency shall be
9	representative of the demographic makeup of the area served by the agency.
10	A majority of the members of the board shall be composed of both individuals
11	who are or were eligible to receive services from an agency because of their
12	disability, and family members of an individual who is or was eligible to
13	receive services because of his or her disability. The board president shall
14	survey board members on an annual basis and shall certify to the commissioner
15	Commissioner that the composition of the board is comprised of comprises a
16	majority as required by this section. This composition of the board shall be
17	confirmed by the organization's annual independent audit. Annually, the
18	board shall determine whether or not this disclosure shall be made available to
19	the public on request. The board shall have overall responsibility and control
20	of the planning and operation of the community mental health agency.

1	(b) The board shall direct the development of the local community services
2	plan and shall consult with the commissioners Commissioner, with consumers,
3	with other organizations representing mentally ill, persons with developmental
4	disabilities, and children and adolescents with a severe emotional disturbance,
5	and with other governmental or private agencies that provide community
6	services to the clients served by the agency to determine the needs of the
7	community for mental health and developmental disability services, and the
8	priority need for service. The plan shall encourage utilization of existing
9	agencies, professional personnel, and public funds at both state State and local
10	levels in order to improve the effectiveness of mental health and
11	developmental disability services and to prevent unnecessary duplication
12	of expenditures.
13	(c) For the purpose of <u>As used in</u> this section:
14	* * *
15	(3) "Commissioner" means either the commissioner of the department
16	of mental health or the commissioner of the department of disabilities, aging,
17	and independent living, or both, depending on the circumstances and subject
18	matter of the issue or issues being addressed the Commissioner of Addiction,
19	Mental Health, and Cognitive Services.

1	Sec. 33. 18 V.S.A. § 8910(a) is amended to read:
2	(a) Upon application to the commissioner Commissioner by a designated
3	community mental health and developmental disability agency, the
4	commissioner of the appropriate department Commissioner may grant to the
5	agency funds to be used for carrying out its mental health and developmental
6	disability services. Such grant of funds shall be based on a program plan and
7	program budget developed by the agency and submitted to and approved by
8	the commissioner or commissioners Commissioner. The budget plan must
9	indicate cost per unit of service, anticipated fees for services, and must
10	represent a balanced plan of anticipated receipts and expenditures.
11	Sec. 34. 18 V.S.A. § 8911 is amended to read:
12	§ 8911. POWERS OF THE COMMISSIONERS COMMISSIONER
12 13	<ul><li>§ 8911. POWERS OF THE COMMISSIONERS COMMISSIONER</li><li>(a) If the commissioner Commissioner after discussion with the board of a</li></ul>
13	(a) If the commissioner <u>Commissioner</u> after discussion with the board of a
13 14	(a) If the commissioner <u>Commissioner</u> after discussion with the board of a community mental health and developmental disability agency <del>determine</del>
13 14 15	(a) If the commissioner <u>Commissioner</u> after discussion with the board of a community mental health and developmental disability agency <del>determine</del> <u>determines</u> that the local community services plan required by section 8908 of
13 14 15 16	(a) If the commissioner <u>Commissioner</u> after discussion with the board of a community mental health and developmental disability agency <del>determine</del> <u>determines</u> that the local community services plan required by section 8908 of this chapter is inadequate to meet the needs of persons with mental illness or
13 14 15 16 17	(a) If the commissioner <u>Commissioner</u> after discussion with the board of a community mental health and developmental disability agency <del>determine</del> <u>determines</u> that the local community services plan required by section 8908 of this chapter is inadequate to meet the needs of persons with mental illness or with developmental disabilities or children and adolescents with a severe

1	refused to implement an otherwise adequate plan, the commissioners
2	Commissioner shall take one or more of the following steps:
3	(1) offer technical assistance to the agency;
4	(2) actively seek out and designate another agency to provide the
5	needed services;
6	(3) directly provide or arrange the needed services if it appears that the
7	services will not otherwise be available within a reasonable period of time.
8	The remedies specified in this subsection shall be in addition to any other
9	rights and remedies which are available to the commissioner Commissioner
10	under state State or federal law.
11	* * *
11 12	<ul><li>* * *</li><li>(c) The board of directors of a community mental health and</li></ul>
12	(c) The board of directors of a community mental health and
12 13	(c) The board of directors of a community mental health and developmental disability agency will be given a six-month notice of any intent
12 13 14	(c) The board of directors of a community mental health and developmental disability agency will be given a six-month notice of any intent on the part of the <del>commissioners</del> <u>Commissioner</u> to terminate its designated
12 13 14 15	(c) The board of directors of a community mental health and developmental disability agency will be given a six-month notice of any intent on the part of the commissioners <u>Commissioner</u> to terminate its designated status. The commissioners <u>Commissioner</u> shall provide a written notice which
12 13 14 15 16	(c) The board of directors of a community mental health and developmental disability agency will be given a six-month notice of any intent on the part of the commissioners <u>Commissioner</u> to terminate its designated status. The commissioners <u>Commissioner</u> shall provide a written notice which outlines the performance based rationale associated with such intent. The
12 13 14 15 16 17	(c) The board of directors of a community mental health and developmental disability agency will be given a six-month notice of any intent on the part of the commissioners Commissioner to terminate its designated status. The commissioners Commissioner shall provide a written notice which outlines the performance based rationale associated with such intent. The board of directors shall have six months to review the commissioners'

1	Sec. 35. 18 V.S.A. § 8912 is amended to read:
2	§ 8912. CONTRACTS WITH NONDESIGNATED AGENCIES
3	The commissioners Commissioner may enter into agreements with local
4	community mental health and developmental disability agencies or with any
5	public or private agency for the purpose of establishing specialized services
6	which are needed by persons with mental illness or with developmental
7	disabilities or children and adolescents with a severe emotional disturbance
8	and are not available from designated community mental health agencies.
9	Sec. 36. 18 V.S.A. § 8913(a) is amended to read:
10	(a) The commissioners Commissioner shall establish minimum program
11	standards for services provided by community mental health and
12	developmental disability agencies. Minimum program standards shall specify
13	the basic activities and resources which are necessary for the implementation
14	of such programs.
15	* * * Guardianship Services for People
16	with Developmental Disabilities * * *
17	Sec. 37. 18 V.S.A. § 9302 is amended to read:
18	§ 9302. DEFINITIONS
19	As used in this chapter:
20	* * *

1	(2) "Commissioner" means the commissioner of disabilities, aging, and
2	independent living Commissioner of Addiction, Mental Health, and Cognitive
3	Services.
4	* * *
5	(10) "Department" means the department of disabilities, aging, and
6	independent living Department of Addiction, Mental Health, and Cognitive
7	Services.
8	* * * Health Care Administration * * *
9	Sec. 38. 18 V.S.A. § 9435(b) is amended to read:
10	(b) Excluded from this subchapter are community mental health or
11	developmental disability center health care projects proposed by a designated
12	agency and supervised by the commissioner of mental health or the
13	commissioner of disabilities, aging, and independent living, or both, depending
14	on the circumstances and subject matter of the project Commissioner of
15	Addiction, Mental Health, and Cognitive Services, provided the appropriate
16	commissioner or commissioners make Commissioner makes a written approval
17	of the proposed health care project. The designated agency shall submit a copy
18	of the approval with a letter of intent to the board Board.

1	* * * Emergency Management * * *
2	Sec. 39. 20 V.S.A. § 46(e) is amended to read:
3	(e) For behavioral health care relief services, the <del>commissioner of</del>
4	developmental and mental health services Commissioner of Addiction, Mental
5	Health, and Cognitive Services or a director of a regional mental health center
6	may make timely applications to any and all appropriate federal or other grant
7	programs that provide money for disaster relief or homeland security services,
8	including the Crisis Counseling Training and Assistance Program. Any
9	monies awarded from these sources for the purposes authorized in subsection
10	(b) of this section shall be deposited into the disaster relief workers fund
11	Disaster Relief Workers Fund. The commissioner of developmental and
12	mental health services Commissioner of Addiction, Mental Health, and
13	Cognitive Services shall supervise the administration of behavioral health care
14	reimbursements under this act section.
15	* * * Motor Vehicles * * *
16	Sec. 40. 23 V.S.A. § 1216(g) is amended to read:
17	(g) The alcohol and driving program required under this section shall be
18	administered by the Office Division of Alcohol and Drug Abuse Programs and
19	shall take into consideration any particular treatment needs of operators under
20	the age of 21 years of age.

1	Sec. 41. 23 V.S.A. § 3207f(f) is amended to read:
2	(f) The alcohol program required under this section shall be administered
3	by the office of alcohol and drug abuse programs Division of Alcohol and
4	Drug Abuse Programs and shall take into consideration any particular
5	treatment needs of operators under the age of 21 years of age.
6	Sec. 42. 23 V.S.A. § 3323a(f) is amended to read:
7	(f) The alcohol program required under this section shall be administered
8	by the office of alcohol and drug abuse programs Division of Alcohol and
9	Drug Abuse Programs and shall take into consideration any particular
10	treatment needs of operators under the age of 21 years of age.
11	* * * Supervision of Adult Inmates at the Correctional Facility * * *
12	Sec. 43. 28 V.S.A. § 704 is amended to read:
13	§ 704. DISPOSITION WHEN PERSON RECOVERS
14	When the commissioner of mental health Commissioner of Addiction,
15	Mental Health, and Cognitive Services determines that a person whose
16	sentence has not expired no longer requires to be under the supervision of the
17	department of mental health Department of Addiction, Mental Health, and
18	Cognitive Services, the commissioner Commissioner of Addiction, Mental
19	Health, and Cognitive Services shall return the person to the custody of the
20	commissioner Commissioner in accordance with <u>18 V.S.A.</u> chapter 189
21	of Title 18.

1	Sec. 44. 28 V.S.A. § 907 is amended to read:
2	§ 907. MENTAL HEALTH SERVICE FOR INMATES; POWERS AND
3	RESPONSIBILITIES OF COMMISSIONER
4	The Commissioner shall administer a program of trauma-informed mental
5	health services which shall be available to all inmates and shall provide
6	adequate staff to support the program. The program shall provide the
7	following services:
8	* * *
9	(4) Access to a variety of services and levels of care consistent with the
10	treatment plan to inmates suffering mental illness or disorder or serious
11	functional impairment. These services shall include, as appropriate,
12	the following:
13	(A) Follow-up evaluations.
14	(B) Crisis intervention.
15	(C) Crisis beds.
16	(D) Residential care within a correctional institution.
17	(E) Clinical services provided within the general population of the
18	correctional facility.
19	(F) Services provided in designated special needs units.
20	(G) As a joint responsibility with the department of mental health and
21	the department of disabilities, aging, and independent living Department of

1	Addiction, Mental Health, and Cognitive Services, and working with
2	designated agencies, the implementation of discharge planning which
3	coordinates access to services for which the offender is eligible, developed in a
4	manner that is guided by best practices and consistent with the reentry case
5	plan developed under subsection 1(b) of this title.
6	(H) Other services that the department of corrections, the department
7	of disabilities, aging, and independent living, and the department of mental
8	health Departments of Corrections and of Addiction, Mental Health, and
9	Cognitive Services jointly determine to be appropriate.
10	* * *
11	* * * The Public Monies * * *
11 12	<ul><li>* * * The Public Monies * * *</li><li>Sec. 45. 32 V.S.A. § 582 is amended to read:</li></ul>
12	Sec. 45. 32 V.S.A. § 582 is amended to read:
12 13	Sec. 45. 32 V.S.A. § 582 is amended to read: § 582. SALE OF MEALS; REVOLVING FUND
12 13 14	<ul> <li>Sec. 45. 32 V.S.A. § 582 is amended to read:</li> <li>§ 582. SALE OF MEALS; REVOLVING FUND</li> <li>Superintendents of institutions in the departments of corrections and</li> </ul>
12 13 14 15	<ul> <li>Sec. 45. 32 V.S.A. § 582 is amended to read:</li> <li>§ 582. SALE OF MEALS; REVOLVING FUND</li> <li>Superintendents of institutions in the departments of corrections and</li> <li>developmental and mental health services Departments of Corrections and of</li> </ul>
12 13 14 15 16	<ul> <li>Sec. 45. 32 V.S.A. § 582 is amended to read:</li> <li>§ 582. SALE OF MEALS; REVOLVING FUND</li> <li>Superintendents of institutions in the departments of corrections and</li> <li>developmental and mental health services Departments of Corrections and of</li> <li>Addiction, Mental Health, and Cognitive Services and the Vermont-veterans'</li> </ul>
12 13 14 15 16 17	<ul> <li>Sec. 45. 32 V.S.A. § 582 is amended to read:</li> <li>§ 582. SALE OF MEALS; REVOLVING FUND</li> <li>Superintendents of institutions in the departments of corrections and</li> <li>developmental and mental health services Departments of Corrections and of</li> <li>Addiction, Mental Health, and Cognitive Services and the Vermont-veterans'</li> <li>home Veterans' Home may sell meals prepared under their food service</li> </ul>

1	deposited to a separate special fund for each institution and may be used for
2	food supplies.
3	* * * Department for Children and Families * * *
4	Sec. 46. 33 V.S.A. § 304(e) is amended to read:
5	(e) The Commissioner shall ensure the provision of services to children or
6	adolescents with a severe emotional disturbance in coordination with the
7	Commissioners Secretary of Education, and with the Commissioner of Mental
8	Health, and of Disabilities, Aging, and Independent Living Addiction, Mental
9	Health, and Cognitive Services in accordance with the provisions of chapter 43
10	of this title.
11	* * * Disabilities, Aging, and Independent Living Programs * * *
12	Sec. 47. 33 V.S.A. § 502 is amended to read:
13	§ 502. DEFINITIONS
14	As used in this chapter:
15	* * *
16	(8) "Persons with disabilities" mean individual Vermonters who have
17	functional limitations by virtue of physical, psychiatric, cognitive, or
18	psychological conditions.
19	* * *

1 Sec. 48. 33 V.S.A. § 504 is amended to read: 2 § 504. DUTIES OF DEPARTMENT (a) The Department shall administer all laws and programs specifically 3 4 assigned to it for administration, including: 5 \* \* \* 6 (7) The duties, responsibilities, and authority of the former 7 developmental services division of the former department of developmental 8 and mental health services, and the personal care and hi-tech programs in the 9 former Department of Prevention, Assistance, Transition, and Health Access. 10 (b) The Department shall ensure coordination of government and private 11 services directed at providing assistance to and analyzing issues affecting older 12 persons and persons with physical disabilities. 13 (c) In addition to the powers vested in it by law, the Department may: 14 (1) Cooperate cooperate with, and contract with, with the approval of 15 the governor, the federal government, and appropriate federal agencies which 16 fund programs which the Department administers.; and 17 (2) Notwithstanding notwithstanding the provisions of 3 V.S.A. chapter 18 13, enter into an agreement with the University of Vermont and State 19 Agricultural College to continue the rural and farm family rehabilitation 20 program.

1	(3) Take and hold in trust for the state any grant or devise of land or
2	donation or bequest of money, or other personal property, to be applied to the
3	maintenance of developmentally disabled persons. [Repealed.]
4	* * * Office of Alcohol and Drug Abuse * * *
5	Sec. 49. 33 V.S.A. chapter 7 is amended to read:
6	CHAPTER 7. OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS
7	* * *
8	§ 706. OFFICE DIVISION OF ALCOHOL AND DRUG ABUSE
9	PROGRAMS
10	(a) The office of alcohol and drug abuse Division of Alcohol and Drug
11	Abuse Programs shall plan, operate, and evaluate a consistent, effective
12	program of substance abuse programs. All duties, responsibilities, and
13	authority of the office Division shall be carried out and exercised by and within
14	the department of health Department of Addiction, Mental Health, and
15	Cognitive Services.
16	(b) The office <u>Division</u> shall be responsible for the following services:
17	(1) prevention and intervention;
18	(2) licensure of alcohol and drug counselors;
19	(3) project CRASH schools;
20	(4) alcohol and drug treatment.

1	(c) Under the direction of the commissioner of health Commissioner of
2	Addiction, Mental Health, and Cognitive Services, the director Director shall
3	review and approve all alcohol and drug programs developed or administered
4	by any state State agency or department, except for alcohol and drug education
5	programs developed by the department of education Agency of Education in
6	conjunction with the alcohol and drug abuse council Alcohol and Drug Abuse
7	Council pursuant to 16 V.S.A. § 909.
8	(d) Any federal or private funds received by the state State for purposes of
9	subdivision (b)(4) of this section shall be in the budget of, and administered by
10	the department of health Department of Addiction, Mental Health, and
11	Cognitive Services.
11 12	<u>Cognitive Services</u> . (e) Under subdivision (b)(4) of this section, the <del>commissioner of health</del>
12	(e) Under subdivision (b)(4) of this section, the commissioner of health
12 13	(e) Under subdivision (b)(4) of this section, the commissioner of health Commissioner of Addiction, Mental Health, and Cognitive Services may
12 13 14	(e) Under subdivision (b)(4) of this section, the commissioner of health Commissioner of Addiction, Mental Health, and Cognitive Services may contract with the secretary of state Secretary of State for provision of
12 13 14 15	(e) Under subdivision (b)(4) of this section, the commissioner of health <u>Commissioner of Addiction, Mental Health, and Cognitive Services</u> may contract with the secretary of state <u>Secretary of State</u> for provision of adjudicative services of one or more administrative law officers and other
12 13 14 15 16	(e) Under subdivision (b)(4) of this section, the commissioner of health <u>Commissioner of Addiction, Mental Health, and Cognitive Services</u> may contract with the secretary of state <u>Secretary of State</u> for provision of adjudicative services of one or more administrative law officers and other investigative, legal, and administrative services related to licensure and
12 13 14 15 16 17	(e) Under subdivision (b)(4) of this section, the commissioner of health <u>Commissioner of Addiction, Mental Health, and Cognitive Services</u> may contract with the secretary of state <u>Secretary of State</u> for provision of adjudicative services of one or more administrative law officers and other investigative, legal, and administrative services related to licensure and discipline of alcohol and drug counselors.

1	(g) Notwithstanding subsection (d) of this section, a person under 18 years
2	of age who is judged by a law enforcement officer to be incapacitated and who
3	has not been charged with a crime shall not be held at a lockup or community
4	correctional center. If needed treatment is not readily available the person
5	shall be released to his or her parent or guardian. If the person has no parent or
6	guardian in the area, arrangements shall be made to house him or her according
7	to the provisions of chapter 55 of this title. The official in charge of an adult
8	jail or lockup shall notify the Director of the Office Division of Drug and
9	Alcohol Abuse Alcohol and Drug Abuse Programs of any person under the age
10	of 18 brought to an adult jail or lockup pursuant to this chapter.
11	* * *
11 12	* * * * * * Alcohol and Drug Abuse Counselors * * *
12	* * * Alcohol and Drug Abuse Counselors * * *
12 13	<ul><li>* * * Alcohol and Drug Abuse Counselors * * *</li><li>Sec. 50. 33 V.S.A. § 801(2) is amended to read:</li></ul>
12 13 14	<ul> <li>* * * Alcohol and Drug Abuse Counselors * * *</li> <li>Sec. 50. 33 V.S.A. § 801(2) is amended to read:</li> <li>(2) "Commissioner" means the commissioner of the department of</li> </ul>
12 13 14 15	<ul> <li>* * * Alcohol and Drug Abuse Counselors * * *</li> <li>Sec. 50. 33 V.S.A. § 801(2) is amended to read:</li> <li>(2) "Commissioner" means the commissioner of the department of</li> <li>health Commissioner of Addiction, Mental Health, and Cognitive Services.</li> </ul>
12 13 14 15 16	<ul> <li>*** Alcohol and Drug Abuse Counselors ***</li> <li>Sec. 50. 33 V.S.A. § 801(2) is amended to read: <ul> <li>(2) "Commissioner" means the commissioner of the department of</li> </ul> </li> <li>health Commissioner of Addiction, Mental Health, and Cognitive Services.</li> <li>Sec. 51. 33 V.S.A. § 805 is amended to read:</li> </ul>
12 13 14 15 16 17	<ul> <li>*** Alcohol and Drug Abuse Counselors ***</li> <li>Sec. 50. 33 V.S.A. § 801(2) is amended to read: <ul> <li>(2) "Commissioner" means the commissioner of the department of</li> </ul> </li> <li>health Commissioner of Addiction, Mental Health, and Cognitive Services.</li> <li>Sec. 51. 33 V.S.A. § 805 is amended to read:</li> <li>§ 805. DIRECTOR; DUTIES</li> </ul>

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1	advisor appointees Advisor Appointees, may adopt rules necessary to perform
2	the director's Director's duties under this section.
3	Sec. 52. 33 V.S.A. § 809 is amended to read:
4	§ 809. BIENNIAL RENEWALS
5	* * *
6	(d) The commissioner of health Commissioner of Addiction, Mental
7	Health, and Cognitive Services may, after notice and opportunity for hearing,
8	revoke a person's right to renew a license if the license has lapsed for five or
9	more years.
10	Sec. 53. 33 V.S.A. § 811 is amended to read:
11	§ 811. REGULATORY FEE FUND
12	* * *
13	(b) To ensure that revenues derived by the division Division are adequate
14	to offset the cost of regulation, the <del>commissioner of health</del> Commissioner of
15	Addiction, Mental Health, and Cognitive Services and the director Director
16	shall review fees from time to time, and present proposed fee changes to the
17	general assembly General Assembly.
18	* * *

**BILL AS INTRODUCED** 

VT LEG #293348 v.2

S.271

1	* * * Medical Assistance * * *
2	Sec. 54. 33 V.S.A. § 2078 is amended to read:
3	§ 2078. EDUCATION AND OUTREACH
4	The Department Departments of Disabilities, Aging, and Independent
5	Living and of Addiction, Mental Health, and Cognitive Services shall conduct
6	ongoing education and outreach to inform elderly Vermonters and Vermonters
7	with disabilities of the benefits they may be entitled to pursuant to this
8	subchapter, make available information concerning pharmaceutical assistance
9	programs, and minimize any confusion and duplication of pharmaceutical
10	coverage resulting from a multiplicity of pharmaceutical programs.
11	* * * Home Heating Fuel Assistance * * *
12	Sec. 55. 33 V.S.A. § 2601a(4) is amended to read:
13	For purposes of As used in this chapter:
14	* * *
15	(4) The following individuals shall be presumed not to be members of
16	the same household, provided that the applicant or recipient provides to the
17	Office of Home Heating Fuel Assistance reasonable evidence that such
18	individuals meet the standards specified below for exclusion from the
19	economic unit:
20	(A) Individuals in the custody of and placed in foster care by the
21	Department for Children and Families, and individuals placed in a home by or

1	through a program administered by the Department Departments of Health or,
2	of Disabilities, Aging, and Independent Living, or of Addiction, Mental
3	Health, and Cognitive Services.
4	(B) Individuals providing medically necessary personal care or
5	homemaker services to a member of the household who is 60 years of age or
6	older or disabled.
7	* * * Children and Adolescence with Severe Emotional Disturbance * * *
8	Sec. 56. 33 V.S.A. § 4302 is amended to read:
9	§ 4302. STATE INTERAGENCY TEAM
10	(a) A state State interagency team is created and shall consist of
11	eight members:
12	* * *
13	(3) the director Director of the division responsible for children's mental
14	health services for the department of developmental and mental health services
15	Department of Addiction, Mental Health, and Cognitive Services;
16	(4) the children's program specialist for Chief of the division
17	responsible for mental health services Children, Adolescents, and Family Unit
18	in the Division of Children's Mental Health Services for the department of
19	developmental and mental health services Department of Addiction, Mental
20	Health, and Cognitive Services;

1	(5) the director of the division responsible for social services for the
2	department of social and rehabilitation services Deputy Commissioner for the
3	Family Services Division of the Department for Children and Families;
4	(6) the placement consultant for the division responsible for social
5	services for the department of social and rehabilitation services Family
6	Services Division of the Department for Children and Families;
7	* * *
8	(b) The state <u>State</u> interagency team shall have the following powers
9	and duties:
10	(1) submit an annual report to the commissioners of developmental and
11	mental health services, social and rehabilitation services and education
12	Secretary of Education and to the Commissioners of Addiction, Mental Health,
13	and Cognitive Services and for Children and Families on the status of
14	programs for children and adolescents with a severe emotional disturbance
15	which shall include a system of care plan. The system of care plan shall
16	identify the characteristics and number of children and adolescents with a
17	severe emotional disturbance in need of services, describe the educational,
18	residential, mental health, or other services needed, describe the programs and
19	resources currently available, recommend a plan to meet the needs of such
20	children and adolescents, and recommend priorities for the continuation or
21	development of programs and resources;

1	* * *
2	(5) recommend to the secretary of the agency of human services and to
3	the commissioners of the departments of education, developmental and mental
4	health services, and social and rehabilitation services Secretaries of Human
5	Services and of Education and the Commissioners of Addiction, Mental
6	Health, and Cognitive Services and for Children and Families any fiscal,
7	policy, or programmatic change at the local, regional, or state State level
8	necessary to enhance the state's State's system of care for children and
9	adolescents with a severe emotional disturbance and their families.
10	Sec. 57. 33 V.S.A. § 4304a(a) is amended to read:
11	(a) An advisory board Advisory Board is created to advise the
12	commissioners of developmental and mental health services, social and
13	rehabilitation services and education Secretary of Education and the
14	Commissioners of Addiction, Mental Health, and Cognitive Services and for
15	Children and Families about children and adolescents with a severe emotional
16	disturbance and their families.
17	Sec. 58. 33 V.S.A. § 4305 is amended to read:
18	§ 4305. COORDINATED SYSTEM OF CARE
19	(a) Services provided by or through the departments of developmental and
20	mental health services, social and rehabilitation services and education
21	Departments of Addiction, Mental Health, and Cognitive Services and for

1	Children and Families and the Agency of Education to children and
2	adolescents with a severe emotional disturbance shall be pursuant to a
3	coordinated services plan, developed in accordance with the provisions of
4	this chapter.
5	* * *
6	(b) The state board of education and the departments of developmental and
7	mental health services and social and rehabilitation services State Board of
8	Education and the Departments of Addiction, Mental Health, and Cognitive
9	Services and for Children and Families shall jointly adopt rules by January 1,
10	1991 implementing the provisions of this chapter. Such rules shall:
11	* * *
12	(c) The commissioners of developmental and mental health services, social
13	and rehabilitation services and education Commissioners of Addiction, Mental
14	Health, and Cognitive Services and for Children and Families and the
15	Secretary of Education shall jointly submit to the general assembly General
16	Assembly a report on the status of programs for children and adolescents with
17	a severe emotional disturbance and their families which shall include a system
18	of care plan. The report shall be submitted together with the general
19	appropriation bill provided for by section <u>32 V.S.A. §</u> 701 of Title 32. The
20	system of care plan shall:
21	* * *

1	(g) Except as otherwise provided in chapter 55 of this title, the receipt of
2	appropriate services for a child or adolescent with a severe emotional
3	disturbance or the child or adolescent's family, including an out-of-home
4	placement, shall not be conditioned on placement of the child or adolescent in
5	the legal custody, protective supervision, or protection of the department of
6	social and rehabilitation services Department for Children and Families.
7	<pre>* * * Delinquency Proceedings * * *</pre>
8	Sec. 59. 33 V.S.A. § 5272(c) is amended to read:
9	(c) The juvenile justice director Juvenile Justice Director shall ensure that
10	the following occur:
11	* * *
12	(3) Cooperation among appropriate departments, including the
13	department and the departments of education, corrections, employment and
14	training, developmental and mental health services, and public safety, and the
15	office of alcohol and drug abuse programs Department, Agency of Education,
16	Departments of Corrections, of Labor, of Addiction, Mental Health, and
17	Cognitive Services, and of Public Safety.
18	* * *

1	* * * Statutory Revision * * *
2	Sec. 60. STATUTORY REVISION
3	The Office of Legislative Council, in its statutory revision capacity, is
4	directed to substitute the "Department for Addiction, Mental Health, and
5	Cognitive Services" wherever the "Department of Mental Health" appears, to
6	substitute "Commissioner of Addiction, Mental Health, and Cognitive
7	Services" wherever "Commissioner of Mental Health" appears, to substitute
8	"Board of Addiction, Mental Health, and Cognitive Services" wherever "Board
9	of Mental Health" appears, and to make such amendments to the Vermont
10	Statutes Annotated as are necessary to reflect the provisions of this act.
11	* * * Effective Date * * *
12	Sec. 61. EFFECTIVE DATE

13 <u>This act shall take effect on July 1, 2014.</u>