

## Administrative Procedures – Final Proposed Rule Coversheet

**Instructions:**

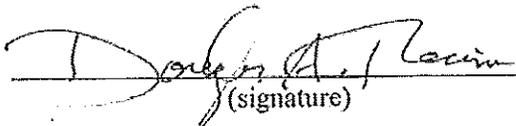
In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Final Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

All forms submitted to the Office of the Secretary of State, requiring a signature shall be hand signed original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Rule Title: Attendant Services Program Regulations**

, on 11/30/12  
(signature) (date)

Printed Name and Title:

Douglas Racine, Secretary, Agency of Human Services

RECEIVED BY: \_\_\_\_\_

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- ICAR Approval received by E-mail.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:  
Attendant Services Program Regulations
2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE  
12P-008
3. ADOPTING AGENCY:  
Agency of Human Services, Department of Disabilities,  
Aging and Independent Living
4. PRIMARY CONTACT PERSON:  
*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Tina Roberts

Agency: Department of Disabilities, Aging and  
Independent Living

Mailing Address: Department of Disabilities, Aging and  
Independent Living, 103 S. Main Street, Waterbury,  
VT 05671

Telephone: 802 871 - 3065 ext.

Fax: 802 871 - 3052

E-Mail: tina.roberts@state.vt.us

Web URL *(WHERE THE RULE WILL BE POSTED)*:  
www.dail.vermont.gov

5. SECONDARY CONTACT PERSON:  
*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO  
MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM  
THE PRIMARY CONTACT PERSON).*

Name: Megan Tierney-Ward

Agency: Department of Disabilities, Aging and  
Independent Living

Mailing Address: Department Of Disabilities, Aging And  
Independent Living, 103 S. Main Street, Waterbury,  
VT 05671

Telephone: 802 871 - 3069 ext.

Fax: 802 871 - 3052

E-Mail: megan.tierney-ward@state.vt.us

6. LEGAL AUTHORITY / ENABLING LEGISLATION:  
*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO  
THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS  
SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

33 V.S.A. 6321(d)

7. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
8. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
9. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
10. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
11. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
12. **CONCISE SUMMARY (150 WORDS OR LESS):**

DAIL proposes language changes that align the Attendant Services Program (ASP) regulations to current practices and definitions. Additionally, DAIL proposes eliminating the added step of the eligibility committee review process. This is primarily based on the recommendation that the committee system no longer best serves its initial function. The current ASP regulations refer to regional committees that determine eligibility for an applicant in the region in which they reside. Regional Committees have not been in place or used for the last 12 - 15 years, with the Statewide Eligibility Committee serving that function. For the last three years, assessments have been carried out by licensed nurses who possess the skills to conduct evaluations and most often very little difference is found between nurse and committee recommendations. This does not preclude the agreed upon need for more relevant peer and DAIL engagement with participants of the Attendant Services Program.
13. **EXPLANATION OF WHY THE RULE IS NECESSARY:**

The existing rule is outdated. The rule contains multiple discrepancies to current practices, definitions and language. Eligibility determinations are currently served by appropriately skilled staff. The ASP program has over two decades of experience in understanding and supporting the needs of individuals with disabilities in the community, as evidenced in

comparison of determination decisions. The confidentiality of individual records is compromised in the current system. In addition, the committee process results in delays in individuals receiving services.

14. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The ASP program participants, the ASP Eligibility Committee, the Department of Disabilities, Aging and Independent Living.

15. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

The proposed changes will allow individuals to access services in a timelier manner while maintaining appropriate eligibility determinations. Currently it is a 3-4 month process from the time of application to the final award. The system change will allow that time to be cut at least in half. The change in the regulations will afford a more cost-effective review system for the program and will eliminate peer rulings on minute units of service and inconsistency of the committee system.

16. A HEARING WAS HELD.

17. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 4/9/2012

Time: 02:00 PM

Location: Dorothy Alling Memorial Library Community Room, 21 Library Lane, Williston, VT 05495

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

18. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

8/31/2012

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

attendant services

personal care

participant-directed

personal assistant

activities of daily living

Run Spell Check