

## Proposed Employee Safety Language

March 22, 2024

Sec. 3. 33 V.S.A. § 6309 is added to read: 5 § 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

If an individual was previously discharged from service by a home health agency to protect the safety of staff in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter, and the behavior or conditions causing the discharge cannot reasonably be mitigated or eliminated, a home health agency may:

- (1) deny a subsequent admission; or
- (2) decline to send a home health agency employee to make a visit if the home health agency has reason to believe that the individual who exhibited the behavior that resulted in the discharge is present in the home.

Nothing in this provision should be construed to require a home health agency to enter a home to determine if a risk can be mitigated or eliminated.

The Home Health Agency shall provide notice of the denial of admission. The notice shall include the reason for the denial and information about how to submit a complaint pursuant to section 6308 of this chapter and in accordance with the rules adopted by the Department of Disabilities, Aging, and Independent Living pursuant to subsection 6303(a) of this chapter.