

1 H.921

2 Introduced by Committee on Human Services

3 Date:

4 Subject: Human services; nursing homes; transfer of ownership; Department  
5 of Disabilities, Aging, and Independent Living

6 Statement of purpose of bill as introduced: This bill proposes to establish a  
7 working group to examine the oversight of nursing homes in Vermont. It  
8 would also eliminate a requirement for a certificate of need prior to the transfer  
9 of ownership of a nursing home.

10 An act relating to nursing home oversight

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

12 Sec. 1. NURSING HOME OVERSIGHT WORKING GROUP; REPORT

13 (a) Creation. There is created the Nursing Home Oversight Working Group  
14 to examine the oversight of nursing homes in Vermont, including financial  
15 stability and licensing criteria, in order to ensure the provision of high-quality  
16 services and a safe and stable environment for nursing home residents.

17 (b) Membership. The Working Group shall be composed of the following  
18 eight members:

19 (1) the Commissioner of Disabilities, Aging, and Independent Living or  
20 designee, who shall be the Chair;

- 1           (2) the Director of the Division of Licensing and Protection in the  
2           Department of Disabilities, Aging, and Independent Living or designee;
- 3           (3) the Director of the Division of Rate Setting in the Agency of Human  
4           Services or designee;
- 5           (4) the Vermont Attorney General or designee;
- 6           (5) the State Long-Term Care Ombudsman or designee;
- 7           (6) a representative of the Vermont Health Care Association;
- 8           (7) a member of the Department of Disabilities, Aging, and Independent  
9           Living Advisory Board selected by the Board; and
- 10           (8) a nursing home owner or administrator appointed by the  
11           Commissioner.
- 12           (c) Powers and duties. The Working Group shall:
- 13           (1) identify procedures to monitor nursing homes' ongoing financial  
14           stability and to provide for early identification of nursing homes in financial  
15           distress, including:
- 16                   (A) reviewing the types and frequency of the financial data currently  
17                   reported by nursing homes, including data reported pursuant to statutes, rules,  
18                   and procedures, as well as to whom the data are reported and how the recipient  
19                   uses the information; and
- 20                   (B) developing a process for addressing circumstances in which  
21                   nursing homes are determined to be in financial distress;

1           (2) determine whether and what types of additional financial data may  
2           be necessary to evaluate nursing homes' ongoing financial stability, including  
3           cost data related to real estate lease agreements with related or other parties  
4           resulting from the separation of the entity owning the real estate from the entity  
5           operating the facility;

6           (3) review, in consultation with the Green Mountain Care Board, the  
7           criteria that the Board considers in its review of applications for transfers of  
8           nursing home ownership and determine how those criteria should be addressed  
9           in the future, by whom, and as part of what process;

10           (4) determine the appropriate regulatory entity or entities and the  
11           resources needed to monitor the quality of care and financial stability of  
12           nursing homes on an ongoing basis; and

13           (5) review current nursing home application and licensure requirements  
14           and identify any necessary changes, including any changes that are needed to  
15           ensure that:

16           (A) for the transfer of ownership of a nursing home, the purchaser  
17           has obtained the necessary financing for the transaction prior to the issuance of  
18           a license;

19           (B) appropriate and objective criminal background, abuse registry,  
20           regulatory, and quality information are considered prior to issuance of initial  
21           and renewal licenses; and



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Sec. 3. EFFECTIVE DATES

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(a) Sec. 1 (Nursing Home Oversight Working Group) and this section shall  
take effect on passage.

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(b) Sec. 2 (18 V.S.A. § 9434) shall take effect on July 1, 2018 and shall  
apply to all transfers of ownership initiated on or after that date.

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