

1 Introduced by Committee on Human Services

2 Date:

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

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

9 An act relating to nursing home oversight

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

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

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

16 (b) Membership. The Working Group shall be composed of the following
17 six nine members:

18 (1) the Commissioner of Disabilities, Aging, and Independent Living or
19 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) **the Executive Director of** the Vermont Health Care Association **or**
8 **designee;**

9 **(7) a member of the Department of Disabilities, Aging, and**
10 **Independent Living Advisory Board appointed by the Commissioner;**

11 **(8) a nursing home owner or administrator appointed by the**
12 **Commissioner; and**

13 **(9) a nursing home resident appointed by the State Long-Term Care**
14 **Ombudsman.**

15 (c) Powers and duties. The Working Group shall:

16 (1) identify procedures to monitor nursing homes' ongoing financial
17 stability and to provide for early identification of nursing homes in financial
18 distress;

19 (2) determine whether and what types of additional financial data may
20 be necessary to evaluate nursing homes' ongoing financial stability, including
21 cost data related to real estate lease agreements with related or other parties

1 resulting from the separation of the entity owning the real estate from the entity
2 operating the facility;

3 (3) review the types and frequency of the financial data currently
4 reported by nursing homes to the Division of Rate Setting;

5 (4) evaluate the processes by which the Division of Rate Setting
6 currently reviews nursing home financial data;

7 (5) develop methods to address circumstances in which nursing homes
8 are determined to be in financial distress;

9 (6) determine the appropriate regulatory entity or entities and the
10 resources needed to monitor the ongoing financial stability of nursing homes;

11 (7) identify any changes to **the Division of Rating Setting's** current
12 rules that are needed to support nursing homes' ongoing financial stability to
13 ensure the provision of high-quality services and a safe and stable environment
14 for nursing home residents, and estimate the amount of associated increased
15 costs to the Medicaid program, if any; and

16 (8) review current nursing home application and licensure requirements
17 and identify any changes that are needed to ensure that:

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

