

State of Vermont
Department of Vermont Health Access
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Agency of Human Services

May 18, 2022

Charlene Dindo, Committee Assistant
Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: 22-E10, Nursing Home Rate Setting Staffing Adjustment

Dear Ms. Dindo:

Enclosed for filing please find an updated annotated and clean copy of the emergency rule entitled 22-E10, Nursing Home Rate Setting Staffing Adjustment.

In response to comments from the Office of Legislative Counsel, the Department of Vermont Health Access requests that LCAR approve the rule with the following additional revisions.

- Section 1.13(a): Clarifies that the rule is effective retroactively to the beginning of state fiscal year 2022.
- Section 5.8(a): Clarifies that the Director of the Division of Rate Setting shall issue amended rate sheets that reflect the inflation adjustment already proposed.

The Department is making these revisions to address concerns raised by the Office of Legislative Counsel regarding whether the rule clearly provides that it is intended to be retroactive. The Department does intend the rule to be retroactive and the changes make this explicit.

The Department appreciates the Office of Legislative Counsel's thorough review of the emergency rule and the Office's assistance in preparing these proposed revisions for your review and approval. The Office or the Committee may contact me at james.larock@vermont.gov or (802) 241-0251 with any questions they may have.

Sincerely,

/s/ James LaRock

James LaRock
Staff Attorney

