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April 3, 2024

To: Lori Houghton, Chair, House Health Care Committee

From: Kaili Kuiper, State Long Term Care Ombudsman, Vermont Legal Aid

RE: S. 189 - 33 V.S.A § 6309. STAFF SAFETY; DISCHARGE FROM SERVICE

Thank you for this opportunity to provide feedback on S.189. The Vermont Ombudsman Project at Vermont Legal Aid is concerned with the section of the bill that adds 33 V.S.A. § 6309. STAFF SAFETY; DISCHARGE FROM SERVICE. Vermonters who are denied necessary skilled nursing care are likely to end up in health crisis. It must be clear that they will be given notice and appeal rights, just as they would if they were initial applicants. Without notice and appeal rights, denials based on unfair biases, outdated information, or mistakes cannot be caught and addressed. In addition, Vermonters who receive adequate notice of the agency's concerns may choose to remedy the safety concern rather than go without services.

We request that the following language be added to 33 V.S.A § 6309:

The home health agency and the Department of Disabilities, Aging, and Independent Living must provide individuals who are denied admission or home visits under this section with the same notice and appeal rights as provided to initial applicants who are denied admission.