



Department of Disabilities, Aging and Independent Living
Division of Licensing and Protection
HC 2 South
280 State Drive
Waterbury, Vermont 05671-2060

Memorandum

To: Nursing Homes, Residential Care Homes, Assisted Living facilities, and Therapeutic Community Residences

From: The Division of Licensing and Protection, Department of Disabilities, Aging and Independent Living

Date: April 20, 2020

Subject: Transfer of residents to offsite care locations for purposes of expanding capacity and cohorting COVID-19 positive residents.

The State of Vermont is collaborating with Community Partners to provide off-site care locations to facilitate enhanced capacity to isolate and cohort residents who have tested positive for COVID-19.

This memorandum addresses the transfer requirements in place to guide your facility in this process if you determine a need to utilize these off-site locations.

“Transfer” is defined in both the State of Vermont Licensing and Operating Rules for Nursing Homes and Residential Care Home Licensing Regulations as “the movement of a resident to another bed within the facility or another health care setting with return to the home anticipated”.

Any resident transferred to these off-site care location remains your resident and will be transferred back to you when safe to do so. Although state regulatory discharge rights remain in place, facilities will be allowed to transfer residents to these off-site care locations as needed for safety for the duration of this emergency.

Transfer Process and Notice Requirements



Upon making a determination that a resident, having tested positive for COVID-19, presents an immediate threat to their own health or safety or the health or safety of others, a facility may consider the transfer of the resident to a Tier 2 site. Written notice must be provided to the resident and, if known, to their family member and/or their legal representative, as soon as practicable. If the resident does not have a family member or legal representative and requests assistance, the notice shall be sent to the Long-Term Care Ombudsman. When a transfer is based upon emergency circumstances, a facility's written notice need not include a right to appeal to the licensing agency, but it shall include the right to request a fair hearing before the Human Services Board, as provided under Vermont law.

For each resident transferred to the off-site care location, the facility must provide the most recent medical orders, treatment orders, care plan, advance directives, and documentation of legal information to include power of attorney, guardianship, and next of kin information.

For each resident transferred, the facility must provide medications, treatment supplies and the medication and treatment administration record. Please work with the off-site care location managers to assure each resident has at least 7 days of medications and treatment supplies.

For each resident transferred, please inventory necessary personal items that you send with them such as eyeglasses, hearing aids and dentures.