

November 1, 2023

Louise Corliss  
Office of the Secretary of State  
1078 US Route 2  
Middlesex, VT 05602

**Re: Residential Care Home (RCH) and Assisted Living Residence (ALR) Licensing Regulations; Agency of Human Services (AHS), Department of Disabilities, Aging, and Independent Living (DAIL)**

Dear Ms. Corliss,

Attached please find an amendment to the above-referenced Regulations.

The current RCH and ALR Regulations, last adopted in 2000 and 2003, respectively, were developed for residents who needed lower levels of assistance, who were simply unable to live independently – e.g., folks needing help with medications, meals, and some of the activities of daily living. Since then, Vermonters, and people in general, have tended to stay in their homes longer and enter into residential care or assisted living with higher needs. Ownership of the homes has also shifted from local to, at times, large corporations that operate in many states with complex business and ownership structures. In addition to a general shift in use of group care settings, the Choices for Care (CFC) and Enhanced Residential Care (ERC) programs have placed hundreds of nursing home level of care residents into these homes. Roughly half of our RCHs and ALRs are ERC providers. The current Regulations do not provide the protections needed for a population that has increased and complex care needs or the guidance to the managers of these homes in how to provide safe care to residents who need nursing home level of care.

The Interagency Committee on Administrative Rules (ICAR) reviewed and approved the proposed rule during its meeting on August 8, 2022, subject to the Department making the recommended changes detailed in the minutes from that meeting. Those changes have been made.

Attached hereto are the following documents:

1. Administrative Procedures – Proposed Filing- Coversheet
2. Administrative Procedures – Adopting Page
3. Administrative Procedures – Economic Impact Analysis
4. Administrative Procedures – Environmental Impact Analysis

5. Administrative Procedures - Public Input Maximization Plan
6. Clean text of the rule
7. Annotated text of the rule
8. Delegation of Signatory Authority
9. ICAR Minutes from October 9, 2023, meeting.

Two virtual public hearings will be held:

1. January 8, 2024, from 1:00 PM – 3:00 PM:

<https://www.zoomgov.com/j/1602893330?pwd=R3hjQm9jZkpUOGQyVENqZUZvYW8rQT09>

2. January 9, 2024, from 10:00 AM – 12:00 PM:

<https://www.zoomgov.com/j/1602893330?pwd=R3hjQm9jZkpUOGQyVENqZUZvYW8rQT09>

The public comment period will remain open until January 17, 2024.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

*Stuart Schurr*

Stuart G. Schurr  
General Counsel

Enclosures

cc: Pam Cota, DLP, DAIL