

## **DAIL Advisory Board 7/9/20**

### DAIL updates:

1. Restart Plans Approved:
  - Senior Centers reopening
  - LTC Facility Outdoor Visitation
  - AAA Network WorkSafe Plan
  - VABVI Plan for Restarting in-person services
  - Limited OPG In-Person Visitation
  - Voc Rehab Limited In-Person Work
2. Restart Plans in process:
  - Adult Day Sector plan – Currently self-assessing readiness and working through final plan details, including transportation protocol.
  - DS Sector Plan – Finalizing draft plan with VT Care Partners
3. DAIL Essential Services Memo – Easing Restrictions for In-Person HCBS services.
4. New DAIL web page for restarting services resources and approved sector plans.
5. A few positive cases in LTC facilities. So far, they are doing a very good job of containing infection.
6. New challenge: When a nursing facility has one positive patient, how do they best contain the infection within the facility and how to use local hospital as a resource.
7. DAIL participating in a mask-wearing campaign with AHS.
8. Monica White will provide detailed updates on DAIL LTC Team efforts including PPE.
9. RCH regulations update from DLP:

The Division of Licensing and Protection contracted with Flint Springs Associates from May 2019 through February 28, 2020 to update the regulatory sets for the Residential Care Home and Assisted Living Facility Licensing Regulations. The current Residential Care Home Regulations are dated as effective 10/3/2000 and the Assisted Living Residence Regulations are dated March 15, 2003.

Flint Springs evaluated the current set of regulations and interviewed stakeholders (Fire Safety, Choices for Care providers and program staff, Vermont Health Care Association, Governor's Commission on Alzheimer's and related Diseases, Ombudsman Program) to determine the areas in which updates were needed. Over the summer of 2019 Flint Springs also hosted meetings throughout the state to solicit input from care home providers. Flint Springs incorporated the desired changes into a draft of the regulatory sets and presented them to The Division of Licensing and Protection at the beginning of 2020. DLP was in the process of reviewing the proposed changes when a series of articles in The Seven Days newspaper (Worse for Care) spoke about Vermont Residential Care Homes and discussed if there was enough regulatory oversight. Specifically, the articles criticized the Division that the enforcement for homes that demonstrated egregious negative outcomes for residents may not be strict enough to garner change in practice. DLP and the legal team were poised to view the draft regulations and consider the criticism in the Seven Days articles in March of 2020.

When COVID19 rolled into the national picture, DLPs attention was completely focused on assisting providers in controlling outbreaks. When the pandemic is under control, and providers and DLP have capacity, we will resume the work on the Residential Care Home and Assisted Living Facility regulations. The pandemic has made us realize that we will need to strengthen and clarify the infection control demands of the proposed regulatory sets.

### Budget:

- 25% first quarter approved
- H.961 added \$2.45M to the DAIL budget for adult day CRF July-Sept. Working on getting payment out by 7/20/20.
- H.961 added \$100K to the DAIL budget for VABVI assistive technology training for aging Vermonters using technology for telehealth.

### Legislation:

- H.965 –
  - \$275M for CRF healthcare stabilization funds. DVHA creating an application process that will be launched 7/15/20.
  - \$28M for Hazard Pay.
  - AAA nutrition funding adequacy report.
  - H.966 - \$213,200,000.00 from the CRF to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health emergency
- H.635 - Receivership statute updated. (1) authorizing the Department of Disabilities, Aging, and Independent Living to take immediate enforcement action to eliminate a condition that can be reasonably expected to cause mental harm to residents or staff; (2) adding a definition of “insolvent” to be applied in the context of the regulation of long-term care facilities; and (3) prohibiting any actions taken by a court-appointed temporary receiver from being used by a long-term care facility in support of its opposition to the Department’s request for a receivership.
- H.611 - Older Vermonters Act approved by House.