

Testimony to the House of Human Services

January 4, 2018

The Department of Disabilities, Aging, and Independent Living
Division of Licensing and Protection
Survey and Certification

Topic of Testimony: The role of Survey and Certification in nursing home oversight

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The Division of Licensing and Protection (DLP) Survey and Certification (S&C) has oversight of nursing homes under the authority of The Centers for Medicare and Medicaid Services (CMS). S&C also licenses and regulates nursing homes under Vermont State authority.

Per CMS, the mission of the State Survey Agency is to assure basic levels of quality and safety for all residents. The S&C system provides onsite, objective and outcome-based verification by knowledgeable and trained nurses to assure that basic standards of quality are being met by health care providers, or if not met, that appropriate remedies are promptly applied and implemented effectively. Teams of nurse surveyors conduct annual, unannounced surveys of nursing homes to observe care, review records, and interview staff, residents, and resident family members. When deficient care is determined, the team will cite the facility with the expectation that the facility correct their practice. The facility must submit a plan of correction and a team of nurse surveyors will go back onsite to determine if the facility is back into compliance. If a facility does not come back into compliance, CMS is backed by legislative authority to impose remedies. Remedies can include, denial of payment for new admissions, civil money fines, and ultimately, decertification from the Medicare Program.

State of Vermont Regulation

S&C also licenses and regulates nursing homes per the Licensing and Operating Rules for Nursing Homes, adopted December 15, 2001. The purpose of the rule is to *“implement state and federal law governing the licensing, operation, and standard of care in nursing homes located in the State of Vermont. Compliance with these rules will help each resident attain or maintain the highest practicable physical, mental and psychosocial well-being in accordance with comprehensive assessment and plan of care and prevailing standards of care, and will promote a standard of care that assures that the ability of each resident to perform activities of daily living does not diminish unless the resident’s ability is diminished solely as a result of a change in the resident’s clinical condition”*.

It is under state authority that S&C performs annual re-licensing of nursing homes. Each year nursing homes must submit their re-license application to S&C. Information included on the application:

1. Name of the licensee
2. Name of the home
3. Address of the home
4. Licensed capacity of the home
5. Name of the administrator
6. Name of the medical director
7. Name of the director of nursing
- 8.

The state regulations also require specific reports to be made to S&C including:

1. Any fire in the home
2. Any untimely death
3. Any unexplained or unaccounted for absence of a resident for over 30 minutes
4. Any breakdown or cessation to the facility's physical plant.

A final method of oversight includes the complaint process. The S&C complaint unit consists of three nurses who take complaints or facility mandated reports and triage these complaints according to the federal complaint process. These complaints or facility reports are assigned to nurse surveyors for unannounced, onsite complaint investigations. The nurse surveyor will assess the facility for compliance with the state or federal regulations through interview, record review, and observation. If deficient care is found, the facility is cited with the requirement that they submit a plan of correction. A follow-up survey is generally conducted to assure the facility is back in compliance with the regulations.