1. GENERAL PROVISIONS

1.1 Statement of Purpose and Scope

It is the purpose of these rules 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 a 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.

2. NURSING FACILITY LICENSING

2.7 Special Care Units

(a) The facility must obtain approval from the licensing agency prior to establishing and operating a Special Care Unit. Approval will be based on a demonstration that the Unit will provide specialized services to a specific population.

(b) A request for approval must include all of the following:

(1) a statement outlining the philosophy and purpose of the unit, including a description of the form of care, treatment, program or scope of services to be provided that distinguishes it as being especially applicable to or suitable for residents;

(2) a definition of the categories of residents to be served;

(3) a description of the organizational structure of the unit consistent with the unit’s philosophy, purpose and scope of services;

(4) a description and identification of physical environment;

(5) the criteria for admission, continued stay and discharge which shall also include any criteria used for moving residents within the facility, into or out of a unit; and

(6) a description of unit staffing to include:

(i) staff qualifications,
(ii) orientation,
(iii) in-service education and specialized training, and
(iv) medical management and credentialing as necessary.

... (e) Failure to provide the care, treatment, program or scope of services set forth in the request for approval from the licensing agency shall constitute a violation of these rules.
(f) Facilities with existing special care units shall comply with the requirements of subsections (b) and (d) on the date on which the rules take effect. Such facilities shall meet the requirements of subsection (c) as soon as practicable, but no later than six months from the effective date of the rules. Facilities that cannot come into compliance within that time period may request a variance pursuant to section 1.5 of these rules.

9. ADMINISTRATION

The facility must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental and psychosocial well being of each resident.

9.1 Licensure

(a) A facility must be licensed pursuant to 33 V.S.A. §§ 7103, 7105 and Section 2 of these rules.

(b) Compliance with Federal, State and local laws and professional standards. The facility must operate and provide services in compliance with all applicable Federal, State and local laws, rules and codes and with accepted professional standards and principles that apply to professionals providing services in such a facility.

(1) For standards governing the facility's water supply and sewage disposal, contact should be made with the state Department of Environmental Conservation.

(2) For standards governing construction and equipment of facilities, reference Guidelines for Construction and Equipment of Hospital and Medical Facilities, current edition.

9.2 Governing Body

(a) The facility must have a governing body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the facility; and

(b) The governing body shall appoint the administrator who shall be:

(1) licensed by the State of Vermont; and

(2) responsible for the management of the facility.