

20. DEFINITIONS

Unless otherwise required by the context, as used in these rules, the following definitions apply:

“Advance Directive” means a written instruction of an individual, such as a terminal care document (living will) executed in accordance with 18 V.S.A. Chapter 111; durable power of attorney for health care, executed in accordance with 14 V.S.A. Chapter 121; or general durable power of attorney, executed in accordance with 14 V.S.A. §3051; recognized under state law and relating to the provision of health care when the individual is unable to direct his or her own health care.

“Commissioner” means the commissioner of the Department of Aging and Disabilities.

“Department” means the Vermont Department of Aging and Disability.

“Discharge” means movement of a resident out of the licensed facility, without expectation that the resident will return.

“Do Not Resuscitate (DNR) Order” or “No Code Order” means a written physician’s order supported by appropriate consent of the resident and medical documentation, to suspend the otherwise automatic initiation of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest.

“HCFA” mean the United States Health Care Financing Administration.

“Legal representative” means a person appointed by an individual or by a duly authorized agency or court, or otherwise authorized by law to act on behalf of the individual, and includes the terms “representative payee” and “guardian”.

“Licensee” means the person or persons who hold a license to operate a facility.

“Medicaid” means the medical assistance program established pursuant to Title XIX of the Social Security Act.

“Medicare” means the medical insurance program established pursuant to Title XVIII of the Social Security Act.

“Next of Kin” means, in descending order of priority: 1) the resident’s spouse, civil union partner or reciprocal beneficiary; 2) an individual in a long-term relationship of indefinite duration, in which the individual has demonstrated an actual commitment to the resident similar to the commitment of a spouse, and in which this individual and the resident consider themselves to be responsible for each other’s well-being; 3) the resident’s adult children; 4) the resident’s parents; and 5) the resident’s adult siblings.

“Nursing facility” or “facility” means an institution or a distinct part of an institution (excluding intermediate care facilities for the mentally retarded) which is primarily engaged in providing to its residents (a) skilled nursing care and related services for residents who require medical or nursing care; (b) rehabilitation services for the rehabilitation of injured, disabled or sick persons; or (c) on a 24 hour basis, health related care and services to individuals who because of their mental or physical condition require care and services which can be made available to them only through institutional care.

“Ombudsman” means any person or organization designated by the State Ombudsman, in accordance with 33 V.S.A. §7501(3), as part of the Office of the State Long-Term Care Ombudsman.

“Options counseling” means providing consumers with complete information on all available long term care services and benefits for which the consumer might be eligible and giving the consumer the opportunity to make a fully informed choice from among the available options and services.

“Psychosocial needs” means any combination of mental health, emotional, spiritual or behavioral needs, concerns or aspects of the resident’s life which are identified as important to the resident.

“Reciprocal beneficiary” means a person who has established a reciprocal beneficiaries’ relationship pursuant to law.

“Representative Payee” means an individual or organization certified by the Commissioner of Social Security to receive benefits for or on behalf of a resident pursuant to 42 U.S.C. §405(j).

“Resident” means an individual admitted for care in a facility. For the purposes of these rules whenever “resident” is used it includes (except when limited by the context) any legal representative or next of kin acting on the resident’s behalf according to law.

“Skilled Nursing Facility” means a facility or distinct part of a facility that is certified for participation in the Medicare program as a skilled nursing facility.

“Special Care Unit” means a unit located in an identified distinct part of a nursing facility and provides an intensity of specialized services that is not routinely available in the rest of the facility.

“Transfer” means movement of a resident to another bed within the same facility or transfer to another health care setting with return anticipated.

“Vermont State Nurse Assistants Registry” means the registry established and maintained by the department containing the names of and other information about all persons who have successfully completed a competency evaluation or who have been otherwise deemed competent as a nurse assistant by the Department.