

## 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.

### 1.2 Authority

These rules are promulgated pursuant to 33 V.S.A. §7117 to implement the provisions of 33 V.S.A. Chapters 71 and 73, 18 V.S.A. Chapter 55, 42 U.S.C. §§1395I-3 and 1396r, and 42 C.F.R. Part 483, subpart B.

### 1.3 Exception and Severability

A determination that any provision or application of any provision of these rules is invalid shall not affect the validity of any other provision of these rules or its applicability.

### 1.4 Effective Date

These rules are effective December 15, 2001.

### 1.5 Variances from these Rules

(a) In accordance with 33 V.S.A. §7106, the department may grant a variance from any provision of these rules if it determines that:

- (1) strict compliance would impose substantial hardship on the licensee;
- (2) the licensee will otherwise meet the goal of the rule; and
- (3) a variance will not result in less protections of the health, safety and welfare of the residents.

(b) A variance will not be granted from a rule pertaining to residents' rights.

(c) Separate federal variance procedures may apply for provisions of these rules also contained in federal nursing facility regulations.

(d) Variances from requirements related to fire safety and building construction standards regulated by the Vermont Department of Labor and Industry must be requested from that Department.