**State of Vermont**
**Agency of Human Services**
Office of the Secretary
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*Al Gobeille, Secretary*

October 11, 2017

Social Security Administration
Office of Income Security Programs
Keys Section
2518 Robert M. Ball Building
6401 Security Boulevard
Baltimore, MD 21235

Attention: Marc Denos

Re: Annual Certification of Compliance

Dear Mr. Denos:

I am responding to your letter, dated October 2, 2017, concerning the State of Vermont's annual certification of compliance with Section 1616(e) of the Social Security Act for Federal fiscal year 2018. As the Secretary of the Agency of Human Services, I am in the best position to provide the requested information for the Department of Disabilities, Aging and Independent Living in the Agency of Human Services for the State of Vermont.

As your letter indicates, Section 1616(e) of the Social Security Act requires each state to certify that the state is in compliance with requirements of the Social Security Act concerning standards for residential facilities. I will address each requirement reflected in your letter below. The State is required to:

1. Designate one or more state or local authorities to establish and enforce standards for residential facilities where significant numbers of SSI recipients reside, or are likely to reside.

Pursuant to 3 V.S.A. §3085a and 33 V.S.A. §501(a), the Department of Disabilities, Aging and Independent Living ("DAIL") was established to ensure that elders and persons with disabilities in the State are, among other things, able "to live as independently as they choose" and as "their personal circumstances permit," to live and actively participate in the community, and to be protected from unlawful and unnecessary restrictions. Residential settings, as an alternative to institutionalization in Vermont, support those goals.

The Division of Licensing and Protection ("DLP"), one of the divisions in the Agency of Human Services, was established to ensure the enforcement of standards for residential facilities for elders and persons with disabilities in the State of Vermont. In accordance with 33 V.S.A. §504 (a) (3), (5) and (6), DLP is charged with the responsibility of overseeing survey and certification of home health agencies and health care facilities, including, nursing homes, residential care homes and hospitals. DLP enforces state and federal

statutes to ensure the safety and well-being of elders and people with disabilities. The Licensure, Survey & Certification programs are based upon standards of licensing and certification which utilize, among other things, sanctions to ensure compliance with state and federal requirements.

2. Make annually available for public review a summary of the standards that are developed.

DLP posts the standards for residential facilities, as set forth below, for public access and review on its website at: www.dlp.vermont.gov :

Assisted Living Resident Licensing Regulations
Home for the Terminally Ill Licensing Regulations
Home Health Agency Designation and Operation Regulations
Nursing Home Licensing and Operating Rules
Residential Care Home Licensing Regulations
Reporting Requirements for Residential Care Homes and Assisted Living Residences
Therapeutic Care Home Regulations

In addition, the public may request a copy of the standards by contacting the DLP directly.

3. Make available to any interested individual a copy of such standards along with the enforcement procedures, a list of waivers of such standards, and any violations.

As indicated above, any interested person may obtain a copy of and review the standards for residential facilities on DLP's website at: www.dlp.vermont.gov , or by contacting DLP directly. The standards and regulations include the procedures for enforcement of the standards and the procedures to be followed in the event of a violation.

The DLP cites facility violations in a "deficiency statement," which is provided to the facility. In response to the deficiency statement, the facility submits a "plan of correction" to DLP that explains how they will remedy the violation(s). Copies of both deficiency statements and plans of correction are available to any interested person on the DLP's website, or may be obtained by contacting the DLP directly and requesting a hardcopy.

The DLP does not maintain an on-going list of waivers granted to facilities. However, the information is captured in the facility's electronic profile or the DLP's electronic survey reports.

4. Certify compliance with these provisions annually to the Commissioner of the Social Security Administration.

The Division of Licensing and Protection will certify, on an annual basis, compliance with the provisions in the Social Security Act, Section 1616 (e) to the extent possible going forward.

The DLP does not maintain, on an on-going basis, a comprehensive list of deficient facilities or facilities that have come back into compliance. As indicated above, that information is reflected in a facility's electronic profile or the DLP's electronic survey reports. That information can be obtained by interested persons on the

DLP's website, or by directly contacting DLP and requesting a hardcopy. Changes in facilities, such as the appointment of a new administrator, are regularly reported by email to the Social Security Administration's Regional Office in Vermont and other interested parties who request it.

The DLP does not, as a matter of current practice, obtain payer source information or residents' social security identification numbers. Because a resident's payer source does not factor into the determination of deficiencies at facilities, the DLP has not made it a practice to collect that information to date. Therefore, the DLP is not currently positioned to provide that information to the SSA Regional office, when reporting deficient facilities. It should also be noted that a cited facility potentially may not house a Supplemental Security Income recipient.

Based upon the foregoing, the DLP is positioned to certify the following:

- DLP is the state division authorized to establish and enforce regulatory standards for residential facilities for elders and persons with disabilities in Vermont.
- DLP does and will continue to make available, on an annual basis, a summary of standards developed during the previous year.
- DLP does and will continue to make available to interested individuals a copy of the standards, enforcement procedures and violations of standards, as reflected on the DLP website.

Please let me know if you have any additional questions.

Sincerely,

Al Gobeille
Secretary, Agency of Human Services