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Memorandum

To: Nursing Home Administrators
From: Suzanne Leavitt, RN, MS^{df}
State Survey Agency Director
Date: Revised October 1, 2015 (originally distributed January 10, 2013)
Subject: Reporting Requirements for Nursing Homes

This memorandum is intended to provide clarification to nursing homes on the reporting requirements under federal CMS regulations (42 C.F.R. 483.13(c)(2) - (4)), the Affordable Care Act, and Vermont Licensing and Operating Rules for Nursing Homes. **This memorandum does NOT include specific guidance about Adult Protective Services reporting requirements.**

Vermont State Requirements:

- (1) Whenever a licensee plans to discontinue all or part of its operation or change its ownership or location, and such change in status would necessitate the discharge or transfer of residents, the administrator shall notify the licensing agency and the State Long Term Care Ombudsman at least 90 days prior to the proposed date of the change. [2.8(a)]
- (2) At any time a fire occurs in the home, regardless of the size or damage, the licensing agency and the Department of Labor and industry [now the Division of Fire Safety] must be notified by the next business day. A written report must be submitted to both departments by the next business day. A copy of the report shall be kept on file in the facility. [2.9(a)]
- (3) Any untimely death that occurs as a result of an untoward event, such as an accident that results in hospitalization, equipment failure, use of restraint, etc., shall be reported to the licensing agency by the next business day, followed by a written report that details and summarizes the event. [2.9(b)]



- (4) Any unexplained or unaccounted for absence of a resident for a period of more than 30 minutes shall be reported promptly to the licensing agency. A written report must be submitted by the close of the next business day. [2.9(c)]
- (5) Any breakdown or cessation to the facility's physical plant that has a potential for harm to the residents, such as a loss of water, power, heat or telephone communications, etc., for four hours or more, shall be reported within 24 hours to the licensing agency. [2.9(d)] ***Note:** this would also include essential equipment failures such as elevators, stair chair lifts, hooyer lifts (if no back up equipment available to provide the same function), etc.
- (6) A nursing facility shall report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the Vermont State Nurse Assistants Registry or the appropriate licensing authority and the licensing agency. Actions by a court of law which indicate unfitness for service include a charge of abuse, neglect or exploitation substantiated against an employee or conviction of an offense for actions related to bodily injury, theft or misuse of funds or property, or other crimes inimical to the public welfare, in any jurisdiction within or outside the State of Vermont. [3.17(e)] ***Note:** actions by a court are interpreted to include any conviction of any misdemeanor or felony crimes.
- (7) The facility must ensure that all alleged violations involving mistreatment, neglect, exploitation, or abuse, including injuries of unknown source and misappropriation of resident property are reported immediately to the administrator of the facility and the licensing agency and Adult Protective Services in accordance with 33 V.S.A. Chapter 69. [3.17(f)]
- (8) The facility must provide written notice to the state agency responsible for licensing the facility, at the time of any change, if a change occurs in:
 - (a) persons with an ownership or control interest of 5% or more, or who have been convicted of Medicaid fraud;
 - (b) the officers, directors, agents or managing employees;
 - (c) the corporation, association or other company responsible for the management of the facility; or
 - (d) the facility's administrator or director of nursing. [17.2(a-d)]

In addition to these reporting requirements, please see **3.14(L)(3)** for instances where permission is required from the licensing agency for emergency discharges.