

## COVID-19

The House and Senate advanced [S.117](#), a Senate bill that **extends until March 31, 2022 certain emergency COVID-19 response provisions in Acts 91 and 140 of 2020**. The bill extends the licensing flexibilities for the Office of Professional Regulation (OPR) and the Board of Medical Practice. It also permits the Agency of Human Services (AHS) to grant waivers and variances, consistent with federal requirements, of the Hospital Licensing and Reporting Rules, the Nursing Home Operating and Licensing Rules, Residential Care Home and Assisted Living Residence Licensing Regulations and Home Health Agency Designation and Operating Rules.

In addition to the provisions in Act 91 and 140, the bill allows for **remote witnessing of advanced care planning documents** and directs the Department of Financial Regulation (DFR) to work with the health insurers and providers to determine an equitable reimbursement rate for **audio-only telehealth**. The bill is expected to be signed by the Governor.

The Senate advanced the House-passed [H.315](#), an **emergency COVID relief bill**. A provision that would have funded nursing scholarships in the original draft of the bill was moved to the budget bill. Of note for home health and hospice agencies, the bill includes a \$1.4 million appropriation to the Vermont State Colleges (VSC) to establish a partnership program with skilled nursing facilities (SNFs) to fund 40 to 45 seats in the Practical Nurse Program. This bill was intended to address time-sensitive, one-time funding needs related to COVID-19. The VNAs of Vermont expects further debate on the use of one-time funds in the American Rescue Plan Act in Senate deliberations on the budget.

## State Fiscal Year 2022 (SFY22) Budget

The House budget bill ([H. 439](#)) includes a number of provisions of interest to home health and hospice agencies including:

- **A 2% increase for Choices for Care providers.** The House added language leveraging new federal matching dollars for this increase and future increases. The American Rescue Plan Act provides for up to a 10-percentage point bump, but only for one year.
- **\$2.7 million for nursing and primary care scholarships** established in Act 155 of 2020 and administered by VSAC. The scholarships revert to loans if recipients fail to meet requirements to practice in Vermont.
- **\$1 million for expansion of the maternal-child health home visiting program**
- **\$5 million for adult day providers** to maintain program infrastructure.

A Joint Fiscal Office fiscal summary is available [here](#).

Section 13 of the House-passed version of the [miscellaneous tax bill](#) (H. 436) extends the **sunset on the home health provider tax for two more years**. The tax will be in effect for state fiscal years 2022 and 2023 but will have to be reauthorized before it can be imposed for state fiscal year 2024.

The House advanced [H. 153](#), a bill that directs several Agency of Human Services departments to **develop payment methodologies for home and community-based service providers in the Choices for Care program**. The bill also includes provisions that are substantially similar for Designated Agencies and Specialized Services Agencies.

The House Human Services Committee version of the bill would have "established" an annual inflation factor for providers of home and community-based services. The bill was adjusted by the House Appropriations Committee. Under the Appropriations version passed by the House, increases would not be automatic, but would instead be "determined" (i.e., calculated) and considered as part of the Appropriations process.

### Workforce

The Senate advanced [S.48](#), the **interstate nurse licensure compact**. The bill was passed by the Senate last year but failed to advance in the House. .

The House advanced [H.159](#), a bill that addresses **workforce development and education in critical areas of need, including health care**. It incorporates \$20 million of one-time funding for free tuition for a variety of programs for one year, including for health care programs (LPN and others) at Vermont State Colleges.

[H. 171](#) seeks to **strengthen the childcare system** through changes in eligibility and childcare provider payments. A Joint Fiscal Office summary of the bill and its financial impact is available [here](#). The bill passed the House and moves on to the Senate.

The House budget bill ([H. 439](#)) provides for \$2.27 million for nursing and primary care scholarships.

### Employer Obligations

Early in the session, the Legislature passed [S.9](#), extending until July 1, 2021 the Commissioner of Labor's authority to waive or amend certain **workers' compensation**-related deadlines and requirements during a state of emergency related to COVID-19. This bill also extends the presumption that certain workers who are diagnosed with COVID-19 are entitled to workers' compensation for the disease until July 1, 2021. The bill was signed by the Governor.

[S.10](#) as recommended by the Senate Economic Development Committee extends until July 1, 2021 certain provisions providing COVID-19-related **unemployment insurance** experience-rating relief and provisions allowing individuals who quit employment for certain COVID-19-related reasons to be eligible for unemployment insurance benefits. The bill also increases the weekly benefit formula by approximately 20 percent, increases the maximum weekly benefit by 20 percent from July 2021 to July 2022 and adds a dependency benefit of \$50 on top of a claimant's benefit if they claim a dependent on their taxes. A scheduled vote by the full Senate was delayed this week after business groups raised concerns about the combined impact of state and federal benefits on the workforce and economic recovery. Floor amendments before final passage appear likely.

[S. 110](#) allows individuals to receive **Pandemic Emergency Unemployment Compensation** benefits in lieu of regular unemployment benefits under certain circumstances. The bill passed in early March and was signed by the Governor.

**Health Care Reform**

[H.315](#) authorizes the Joint Fiscal Office to use available legislative appropriations to **engage a consultant to assist on the policy and fiscal implications related to the renewals of the Global Commitment Waiver and All Payer Model** agreement with the Centers for Medicaid and Medicare Services.