

## COVID-19

[Act 6](#) 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.

Toward the end of the session, the VNAs of Vermont successfully advocated for a technical amendment to [H. 289](#) (page 45) that explicitly authorizes home health and hospice agencies to use the flexibilities outlined in Act 6. While that was always the intent, because the language had no definitions, home health and hospice agencies were concerned that it wasn't clear enough.

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**.

[Act 9](#) enacts **emergency COVID relief**. 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. Passed in March, this legislation was intended to address time-sensitive, one-time funding needs related to COVID-19.

## 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 **3% increase for Choices for Care providers**, partially funded by American Rescue Plan Act funding.
- \$2.27 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.
- One-time funding of **free tuition** for a variety of programs for one year, including for **health care programs** (LPN and others) at Vermont State Colleges.

The budget is expected to be signed by the Governor.

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 Senate did not take up the bill but have the option to do so in 2022.

### Workforce

[S.48](#) will bring Vermont into the **interstate nurse licensure compact**. The bill becomes effective February 1, 2022.

[H. 171](#) seeks to **strengthen the childcare system** through changes in eligibility and childcare provider payments. The bill passed the House and Senate and was signed by the Governor on June 1.

The House budget bill ([H. 439](#)) provides for:

- \$2.27 million for **nursing and primary care scholarships**.
- **One year of free tuition** to Vermont State Colleges for critical professions, including LPNs.

### Employer Obligations

[Act 2](#) extends 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 until 30 days after the termination of the state of emergency. This act also extends the presumption that certain workers who are diagnosed with COVID-19 are entitled to workers' compensation for the disease.

[Act 5](#) allows individuals to receive **Pandemic Emergency Unemployment Compensation** benefits in lieu of regular unemployment benefits under certain circumstances. The bill became law in March.

### Health Care Reform

[Act 9](#) 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.

## Reports, Workgroups, and Taskforces

[Act 21](#) creates an Interstate Practice Using Telehealth Work Group led by the Office of Professional Regulation, to consider options for “facilitating the interstate practice of health care professionals using telehealth modalities.”

[Act 33](#) creates a Health Equity Advisory Commission (HEAC). By January 1, 2023, the HEAC will make recommendations on the structure, responsibility, and jurisdiction of an Office of Health Equity. In consultation with licensing boards, professional organizations, and health care providers, the HEAC is directed to report back to the lawmakers with recommendations for improving cultural competency, humility, and antiracism in the health care system.

The budget ([H. 439](#)) extends the date for submission of the draft **Health Care Workforce Strategic Plan** required by [Act 155 of 2020](#). The plan is due to the Green Mountain Care Board on October 15, 2021, and to the legislature by December 1, 2021.