

Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Recovery Services Organization Certification Rule

/s/ Todd W. Daloz

, on 4/4/24

(signature)

(date)

Printed Name and Title:

Todd W. Daloz

Deputy Secretary

Agency of Human Services

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. ADOPTING AGENCY:

Vermont Department of Health

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Natalie Weill

Agency: Department of Health

Mailing Address: 280 State Street, Waterbury, VT 05671-8300

Telephone: 802-863-7280 Fax: 802-951-1275

E-Mail: ahs.vdhrules@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<http://www.healthvermont.gov/about-us/laws-regulations/public-comment>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Brendan Atwood

Agency: Department of Health

Mailing Address: 280 State Street, Waterbury, VT 05671-8300

Telephone: 802-863-7280 Fax: 802-951-1275

E-Mail: ahs.vdhrules@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

8 V.S.A. § 4089b (f) (2), 18 V.S.A. §§ 102 and 4806 (a), and 3 V.S.A. § 801 (b) (11).

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

8 V.S.A § 4089b (f) (2) states, "For treatment of alcohol or substance abuse...in an institution, approved by the Secretary of Human Services, that provides a program for the treatment of alcohol or substance dependency pursuant to a written plan."

18 V.S.A. § 102 states, "The Commissioner shall... adopt such rules as are necessary to administer this title..."

18 V.S.A. § 4806 states, "The Division of Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance use programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health."

8. CONCISE SUMMARY (150 WORDS OR LESS):

This rule establishes a certification process and provides certification requirements for Recovery Service Organizations that receive state or federal funding for the provision of recovery support services from the Department of Health (Department).

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

Rulemaking is necessary to establish a certification process and provide requirements for Recovery Service Organizations that receive state or federal funding for the provision of recovery support services from the Department.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):

Rulemaking is necessary to establish a certification process and provide requirements for Recovery Service Organizations that receive state or federal funding for the provision of recovery support services from the Department as outlined in 18 V.S.A. §§ 102 and 4806(a), and 8 V.S.A § 4089b (f) (2). The decisions made by the Department regarding these regulations were made in consultation with interested parties and are factually based, rationally connected to those factual bases, and would make sense to a reasonable person.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Vermonters with substance use disorder.
Organizations providing non-residential, non-clinical
recovery support services.
The Department of Vermont Health Access

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The Department anticipates that this rulemaking will be budget neutral for organizations.

There may be small costs associated with coming into alignment with the certification standards referenced in the rule; this could include additional staff time to prepare materials for the application or purchasing of bookkeeping technology such as QuickBooks. However, for organizations currently receiving state and federal funding for the provision of recovery support services from the Department, these costs would be allowable expenditures under their current grant agreements with the state.

Currently, organizations receiving state and federal funding for the provision of recovery support services from the Department are reviewed annually. This rulemaking would change the review period to every three years, which would have a positive impact, saving the center in the administrative costs associated with an annual review.

13. A HEARING WILL BE SCHEDULED

IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: TBD

Time: TBD

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Recovery Service Organizations

Recovery support services

Recovery

Substance use disorder

Certification

Certified

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. ADOPTING AGENCY:

Vermont Department of Health

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

N/A.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. ADOPTING AGENCY:

Vermont Department of Health

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Current organizations receiving state and federal funding for the provision of recovery support services from the Department: The Department anticipates that this rulemaking will be budget neutral for these twelve organizations. There may be small costs associated with coming into alignment with the certification standards referenced in the rule; this could include additional

staff time to prepare materials for the application or purchasing of bookkeeping technology such as QuickBooks. However, for recovery organizations currently receiving state and federal funding for the provision of recovery support services from the Department, these costs would be allowable expenditures under their current grant agreements with the state. Currently, organizations receiving state and federal funding for the provision of recovery support services from the Department are reviewed annually. This rulemaking would change the review period to every three years, which would have a positive impact, saving the center in the administrative costs associated with an annual review.

Organizations who are not currently receiving state and federal funding for the provision of recovery support services from the Department but apply for certification after rule adoption: The Department anticipates a small economic impact. Specifically, small costs associated with coming into alignment with the certification standards referenced in the rule; this could include additional staff time to prepare materials for the application or purchasing of bookkeeping technology such as QuickBooks.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

The Department does not anticipate an impact on schools.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Because the Department does not anticipate an impact on schools, no alternatives are presented.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

There are no anticipated impacts to small businesses.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

There are no anticipated impacts to small businesses.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Without this rule, the Department cannot establish a certification process and the associated requirements for Recovery Service Organizations that receive state or federal funding for the provision of recovery support services from the Department. There would be no minimum standards required for Recovery Service Organizations.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department has provided the relevant information it has based on as assessment of the potential impacts.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. ADOPTING AGENCY:

Vermont Department of Health

3. **GREENHOUSE GAS:** *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
No impact is anticipated.

4. **WATER:** *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
No impact is anticipated.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
No impact is anticipated.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
No impact is anticipated.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact is anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact is anticipated.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The rule does not impact any of the areas listed above, and therefore, this analysis sufficiently captures that there will be no environmental impact.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. ADOPTING AGENCY:

Vermont Department of Health

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

A public hearing will be held.

The rule will be posted on the Department of Health website:

http://healthvermont.gov/admin/public_comment.aspx.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

- Kingdom Recovery Center
- Journey to Recovery Community Center
- Turning Point Center of Bennington
- Turning Point Center of Central Vermont
- Upper Valley Turning Point (Second Wind)
- Turning Point Center of Springfield
- Turning Point Center of Rutland
- Turning Point of Windham County

Public Input

- Turning Point Center of Addison County
- Turning Point Center of Chittenden County
- Turning Point Center of Franklin County
- North Central Vermont Recovery Center
- Vermont Association for Mental Health and Addiction Recovery
- Recovery Partners of Vermont
- Faces and Voices of Recovery
- Vermonters for Criminal Justice Reform (VCJR)

Recovery Services Organization Certification Rule

1.0 Authority

This rule is adopted pursuant to 8 V.S.A § 4089b (f)(2) and 18 V.S.A §§ 102 and 4806.

2.0 Purpose

This rule provides certification requirements for Recovery Services Organizations. Certification is required pursuant to this rule for any Recovery Services Organizations that receive state or federal funding for the provision of recovery support services through the Vermont Department of Health.

3.0 Scope

3.1 This rule applies to organizations that provide recovery support services, as defined in this rule, except:

3.1.1 This rule does not apply to Preferred Providers that are certified pursuant to the Department of Health’s Substance Use Disorder Treatment Certification Rule. Preferred Providers comply with the Department’s Preferred Providers: Substance Use Disorder Treatment Standards.

3.1.2 This rule does not apply to recovery residences who are providing residential recovery support services. Recovery residences are certified by the certifying body authorized by the Department of Health.

4.0 Definitions

4.1 “Certification” means that a Recovery Services Organization has demonstrated compliance with Department requirements including compliance with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document for the provision of recovery support services.

4.2 “Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards” means the document published by the Department that establishes the required minimum expectations related to operations, staff conduct, organizational performance, structure and/or workplace environment of a certified Recovery Services Organization.

- 4.3 **“Code of Federal Regulations” or “CFR”** means the codification of rules published in the Federal Register by the departments and agencies of the Federal Government.
- 4.4 **“Commissioner”** means the Commissioner of the Vermont Department of Health.
- 4.5 **“Department”** means the Vermont Department of Health.
- 4.6 **“Grievance”** means an expression of dissatisfaction about any matter.
- 4.7 **“Inspection”** means the review of participant records, staff personnel files, program practices, policies and procedures, and the physical building(s).
- 4.8 **“Participant”** means an individual who receives recovery support services from a certified Recovery Services Organization.
- 4.9 **“Preferred provider”** means a program that has attained a certificate from the Department, has an existing contract or grant from the Department to provide treatment for substance use disorder, provides treatment services in accordance with the most recent version of the American Society of Addiction Medicine (ASAM) Criteria, and complies with the Department’s Preferred Providers: Substance Use Disorder Treatment Standards.
- 4.10 **“Recovery Services Organization”** means a non-residential and non-clinical facility certified by the Department to provide recovery support services in compliance with this rule and the Department’s Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards.
- 4.11 **“Recovery support services”** means a set of culturally competent, non-clinical, evidence-based activities coordinated in accordance with a written individualized recovery plan of care that documents the substance use disorder and reflects the needs and preferences of the individual in achieving the specific, individualized goals that have measurable results and are specified in the plan. This can include a range of social and other services that facilitate recovery, wellness, linkage to services providers, and other supports shown to improve quality of life for people, and their families, in and seeking recovery from substance use.
- 4.12 **“Recovery Residences”** means the same as defined in 24 V.S.A. § 4412(1)(G).
- 4.13 **“Substance Use Disorder”** means the same as the definition of substance use disorder included in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric

Association.

5.0 Certification

5.1 General Requirements

- 5.1.1 Certification is required pursuant to this rule for any Recovery Services Organizations that receive state or federal funding for the provision of recovery supports services through the Vermont Department of Health.
- 5.1.2 The Department maintains complete discretion to grant, deny, suspend, and revoke a certification.
- 5.1.3 Certification shall be for a period of three years, unless suspended or revoked, and can be renewed.
- 5.1.4 Recovery Services Organizations shall provide services in accordance with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document, found on the Department's website.
- 5.1.5 Recovery Services Organization shall comply with applicable federal and state laws regarding privacy.

5.2 Initial Certification Application

- 5.2.1 To apply for certification, an organization shall submit to the Department a completed "Substance Use Disorder Recovery Services Organization Certification Application," found on the Department's website.
- 5.2.2 Applicants shall describe:
 - 5.2.2.1 How the organization is filling a need or gap in recovery services and supports;
 - 5.2.2.2 The target population the organization will serve;
 - 5.2.2.3 The proposed service area;
 - 5.2.2.4 The operation, fiscal, and staffing models;
 - 5.2.2.5 The organization's capacity and system to track and report data to the Department in accordance with Department requirements;
 - 5.2.2.6 All policies and procedures relating to Internal Controls in accordance with 2 CFR § 200.303;
 - 5.2.2.7 All policies and procedures relating to client records; and
 - 5.2.2.8 The organization's proof of good standing with respect to any and all taxes payable to the Vermont Department of Taxes

pursuant to 32 VSA § 3113.

5.3 Applications for Renewal of Certification

5.3.1 At least sixty (60) days prior to the expiration of a current certification, Recovery Services Organizations seeking a certification renewal shall submit to the Department a completed “Recovery Services Organization Renewal Certification Application,” found on the Department’s website.

5.3.1.1 Failure to submit a timely and completed application may result in the decertification of the Recovery Services Organization.

5.3.1.2 Applications must include, at a minimum:

5.3.1.2.1 Any organizational policies and procedures requested by the Department;

5.3.1.2.2 A roster of employees; and

5.3.1.2.3 A mechanism to log grievances.

5.3.2 During the renewal process, Recovery Services Organizations shall continue to be recognized as certified as long as the Recovery Services Organization is deemed by the Department to be in compliance with this rule and the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards.

5.4 Site Visits

5.4.1 Organizations seeking initial and/or renewal certification may be required to undergo a site visit, at the discretion of the Department.

5.4.2 The site visit form, named the “Recovery Certification Compliance Tool” is available at the Department of Health’s website.

5.4.3 The site visit must demonstrate, at a minimum, the following:

5.4.3.1 Compliance with the standards published in the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards document;

5.4.3.2 Maintenance of Internal Controls in accordance with 2 CFR § 200.303;

5.4.3.3 Proper maintenance of client records; and

5.4.3.4 Any other information, documentation, or records that the Department deems necessary to evaluate the organization's regulatory compliance and provision of services.

6.0 Waivers

- 6.1 The Department may grant a waiver for variance from any certification requirement if the Department determines that strict compliance would impose substantial hardship on the organization and the variance would not adversely impact the organization's quality of services or health and safety of the individuals being served.
- 6.2 All requests for waivers must be made in writing and submitted to the Department.
- 6.3 Requests for the waiver shall include the following:
- 6.3.1 The requirement for which the waiver is requested;
 - 6.3.2 An explanation of why the requirement cannot be met;
 - 6.3.3 A description of the alternative method proposed for meeting the intent of the requirement in question; and if applicable,
 - 6.3.4 A timeframe for implementing the alternative method proposed that meets the intent of the requirement for which the waiver is being sought.
- 6.4 The Department shall have the discretion to reject, approve, and modify the timeframe requested by the organization. Waivers shall not be granted for a time period that exceed the term of the certification.

7.0 Inspection

- 7.1 Organizations applying for certification, recertification, or that are currently certified shall:
- 7.1.1 Permit the Department, at all times and without notice, the opportunity to perform an inspection of the organization and survey for compliance with this rule.
 - 7.1.2 Grant the Department access at all times and without notice to all records demonstrating compliance with this rule.

8.0 Suspension and Revocations

- 8.1 A Recovery Services Organization found to be in violation or non-compliance with the requirements of this rule, or with any other applicable law or regulation, may be offered an opportunity to cure the violation(s) within a specified time at the Department's discretion.

8.2 Failure to cure the violation may result in decertification of the recovery organization.

8.3 Opportunity to Cure

8.3.1 The Department shall notify a Recovery Services Organization in writing of a violation(s) and shall provide the organization with an opportunity to cure the facts or conduct which warranted the intended action.

8.3.2 Upon notification by the Department, the Recovery Services Organization shall cure the violation(s) within the time period set by the Department in its notice of violation and shall provide proof of its compliance with all lawful requirements for the retention of its certification in accordance with 3 V.S.A § 814(c).

8.3.3 Pending the Recovery Services Organization's curing of a violation, the Department may place conditions on the Recovery Services Organization's certification which may be lifted upon successful completion of the corrective action.

8.4 Suspension or Revocation

8.4.1 The Department may order the suspension or revocation of a certification at any time for non-compliance with Department requirements, subject to the requirements of 3 V.S.A. § 814(c).

8.4.2 If the Department finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a certification may be ordered pending proceedings for revocation or other action. All summary suspension proceedings shall be instituted and determined promptly.

8.5 Appealing a Revocation or Suspension

8.5.1 A Recovery Services Organization may appeal the revocation or suspension of a certification in accordance with 3 V.S.A. § 809.

9.0 Appeals

9.1 Denials of Certification:

9.1.1 When the Department denies certification or the renewal of a certification, the Recovery Services Organization shall be afforded an opportunity for a hearing with the Commissioner or designee pursuant to the provisions of 3 V.S.A. § 814.

9.1.2 The Department shall provide the Recovery Services Organization with notice of denial by mail which shall include the facts or conduct that warrants the denial of the application and their right to a hearing. The notice shall state the time, place, and nature of the hearing, a statement of the legal authority and jurisdiction

under which the hearing is to be held and shall reference the particular sections of the statutes and rules involved.

9.2 Appeals to the Superior Court

- 9.2.1 Pursuant to 18 V.S.A. § 128(a), the Commissioner’s decision may be appealed to the Civil Division of Superior Court in the county where the applicant resides or maintains a business. Appeals are governed by Vermont Rule of Civil Procedure 74.
- 9.2.2 To appeal a decision, a Notice of Appeal specifying who is taking the appeal, the decision being appealed, and name the court where the decision is being appealed must be sent to the Commissioner’s office within thirty (30) days of the decision.
- 9.2.3 Upon receipt of the Notice of Appeal, the Department of Health will provide the appellant with a list of all interested parties and instructions to serve all interested parties, and the Civil Division of the Superior Court, with the Notice.
- 9.2.4 Pursuant to V.R.C.P. 74(c), an appeal to Superior Court does not stay enforcement of the Commissioner’s decision. You are obligated to follow the decision unless the Court grants a motion to stay the Department’s decision pending the appeal.
- 9.2.5 The Superior Court will consider the matter de novo (anew) and all persons and parties in interest, as determined by court rule, may appear and be heard. The appellant has the right to bring an attorney and witnesses.

280 State Drive - Center Building
Waterbury, VT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
FAX: (802) 241-0450

JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a circular flourish.

DATE: March 7, 2024

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Todd Daloz, Deputy Secretary, Agency of Human Services as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedures Act, 3. V.S.A § 801 et seq.

CC: Todd W. Daloz via Todd.Daloz@vermont.gov