

Adopted Filing – Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at 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 these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. 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/ Kristin L. McClure

, on 3/6/25

(signature)

(date)

Printed Name and Title:

Kristin McClure

Deputy Secretary

Agency of Human Services

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Letter regarding changes to the final proposed

1. TITLE OF RULE FILING:

Recovery Services Organization Certification Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P021

3. ADOPTING AGENCY:

Vermont Department of Health

4. 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:

5. 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) .

6. THE FILING HAS CHANGED SINCE THE FILING OF THE FINAL PROPOSED RULE.

7. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE, INCLUDING CHANGES IN ECONOMIC IMPACT.

8. THE LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES DID NOT OBJECT TO THE FINAL PROPOSAL.

9. PROCEDURAL HISTORY OF ADOPTION:

ICAR Filing: 4/5/2024

Proposal Filed with Office of the Secretary of State: 5/30/2024

Notices Posted Online: 6/5/2024

Notices Published in the Newspapers of Record: 6/13/2024

A Hearing WAS Held.

Hearings Held (*PLEASE USE ADDITIONAL SHEETS TO PROVIDE THE DATE, TIME, AND LOCATION OF ALL HEARINGS, IF THIS FORM IS INSUFFICIENT TO LIST ALL HEARINGS HELD*):

Date: 7/9/2024

Time: 11:00 AM

Street Address: 280 State Street, Waterbury, VT , Cherry A
24 RM A209

Zip Code: 05671-8300

URL for Virtual: call in (audio only)

+1 802-828-7667, ,885701824# United States, Montpelier

Phone Conference ID: 885 701 824#

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:

Deadline for Public Comment: 11/20/2024

Final Proposal —

Filed with Secretary of State: 12/12/2024

Filed with LCAR: 12/12/2024

Dates of LCAR Review: 01/16/2025, 01/30/2025, ,
,

Adopted Rule —

Filed with Secretary of State: 03/7/2025

Filed with LCAR: 03/7/2025

10. EFFECTIVE DATE: 07/01/2025

(A RULE MAY TAKE EFFECT 15 DAYS AFTER ADOPTION IS COMPLETE OR AT A LATER TIME PROVIDED IN THE TEXT OF THE RULE SEE 3 V.S.A. §845(d) FOR DETAILS).

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.

To: Sarah Copeland Hanzas, Secretary of State
From: Natalie Weill, Public Health Policy Advisor, Vermont Department of Health
Re: Recovery Services Organization Certification Rule
Date: January 28, 2025

Following the filing of the Final Proposed Rule, the Department made the following changes based on the recommendations received from the Legislative Committee on Administrative Rules:

1. Section 3.1.2 was amended to the following:
“3.1.2 This rule does not apply to recovery residences that are providing residential recovery support services. ~~Recovery residences are certified by the certifying body authorized by the Department of Health.~~”
2. Section 4.12 was amended to the following:
“4.12 “**Recovery Residences**” means a shared living residence supporting persons recovering from a substance use disorder ~~the same as defined in 24 V.S.A. § 4412 (1)(G).~~”
3. Section 4.13 was amended to the following:
“4.13 “**Substance Use Disorder**” has the same meaning as in the most recent version of the ~~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.”
4. Section 5.2.3 was amended to the following:
“5.2.3 Eligible applicants shall describe the following in the Application for certification:”
5. Section 6.1 was amended to the following:
“6.1 The Department may not grant routine waivers or variances from any provisions of these rules without amending the rules. See 3 V.S.A. § 845. However, the Department may grant a waiver or variance from any certification requirements in these rules if the Department determines that strict compliance with the requirement would impose substantial hardship on the Organization and the waiver or variance would not adversely

impact the quality of services provided by the Organization²s or the health and safety of the individuals being served.”

6. Section 7.1 was amended to the following:

“7.1 Organizations applying for certification or renewal of a certification or that are currently certified shall:”

7. Section 7.1.1 was amended to the following:

“7.1.1 Permit the Department, at all times during operating hours, the opportunity to perform announced and unannounced inspections of the ~~Organization~~ to assess compliance with this rule.”

8. Section 8.1.4 was amended to the following:

“8.1.4 At the conclusion of the time period established by the Department, the Recovery Services Organization shall demonstrate to the Department in a manner determined by the Department that the ~~RSO~~Organization has addressed and remedied the violation(s) or instance(s) of non-compliance and is in compliance with this rule and all other applicable laws.”

No further changes have been made to the rule.



STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

DATE: November 21, 2024

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Kristin McClure, 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: KristinMcClure@vermont.gov

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 receives 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 that are providing residential recovery services.

4.0 Definitions

4.1 **“Certification”** means the approval granted by the Department to Recovery Services Organizations that is required for the Recovery Services Organization to be eligible for state or federal funds through the Vermont Department of Health to provide recovery support services.

4.2 **“Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards”** means the standards published by the Department that establish the minimum requirements related to operations, staff conduct, organizational performance, structure and workplace environment for certified Recovery Services Organizations.

4.3 **“CFR”** means the Code of Federal Regulations.

- 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, procedures, and 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”** or **“Organization”** means a non-residential and non-clinical facility providing recovery support services.
- 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. The type of services provided 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 a shared living residence supporting persons recovering from a substance use disorder.
- 4.13 **“Substance Use Disorder”** has the same meaning as 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 Recovery Services Organizations shall obtain a certification to be eligible to receive state or federal funding through the Vermont Department of Health for the provision of recovery supports services.
- 5.1.2 The Department has the authority to grant, deny, suspend, or revoke a certification in accordance with 3 V.S.A. Ch. 25.
- 5.1.3 Certification shall be valid for a period of three years from issuance of certification, unless suspended or revoked, and can be renewed in accordance with these rules.
- 5.1.4 Recovery Services Organizations shall provide services in accordance with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards, found on the Department's website.
- 5.1.5 Recovery Services Organization shall comply with applicable federal and state laws regarding maintaining the confidentiality and privilege of health care information.

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" (Application) found on the Department's website.
- 5.2.2 To be eligible for certification, applicants shall demonstrate that they are compliant with the Certified Recovery Services Organizations: Substance Use Disorder Recovery Standards for the provision of recovery support services.
- 5.2.3 Eligible applicants shall describe the following in the Application for certification:
 - 5.2.3.1 The need or gap in recovery services and supports that the Organization will fill;
 - 5.2.3.2 The target population the organization will serve;
 - 5.2.3.3 The proposed service area;

- 5.2.3.4 The operation, fiscal, and staffing models;
- 5.2.3.5 The Organization's capacity and system to track and report data to the Department in accordance with Department requirements;
- 5.2.3.6 All policies and procedures relating to Internal Controls in accordance with 2 CFR § 200.303;
- 5.2.3.7 All policies and procedures relating to client records; and
- 5.2.3.8 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 Organizations that fail to renew their certification before it expires will no longer be certified and will not be eligible for related funding.
 - 5.3.1.2 The "Recovery Services Organization Renewal Certification Application" will include, at a minimum:
 - 5.3.1.2.1 Organizational policies and procedures requested by the Department;
 - 5.3.1.2.2 A roster of the Organization's employees; and
 - 5.3.1.2.3 The Organization's mechanism to log grievances.

5.4 Site Visits

- 5.4.1 Organizations may be required to undergo a site visit, during their initial or renewal applications for certification or both, 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;

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 not grant routine waivers or variances from any provisions of these rules without amending the rules. See 3 V.S.A. § 845. However, the Department may grant a waiver or variance from any certification requirements in these rules if the Department determines that strict compliance with the requirement would impose substantial hardship on the Organization and the waiver or variance would not adversely impact the quality of services provided by the Organization or the health and safety of the individuals being served.
- 6.2 All requests for waivers or variances shall be made in writing and submitted to the Department.
- 6.3 Requests for a waiver or variance shall include the following:
 - 6.3.1 The rule certification requirement for which the waiver or variance is requested;
 - 6.3.2 An explanation why the rule certification requirement cannot be met;
 - 6.3.3 A description of the alternative method proposed for meeting the intent of the rule certification requirement the Organization seeks to waive; and
 - 6.3.4 If applicable, a timeframe for implementing the alternative method proposed that meets the intent of the rule certification requirement for which the waiver is being sought.
- 6.4 The Department shall have the discretion to reject, approve, and modify the timeframe of the waiver requested by the Organization. Waivers shall not be granted for a time period that exceeds the term of the Organization's certification.

7.0 Inspection

- 7.1 Organizations applying for certification or renewal of a certification or that are currently certified shall:
 - 7.1.1 Permit the Department, at all times during operating hours, the opportunity to perform announced and unannounced inspections of the Organization to assess compliance with this rule.
 - 7.1.2 Grant the Department unfettered access, at all times and without prior notice, to the Organization's records demonstrating compliance with this rule.

8.0 Suspension and Revocations

- 8.1 Opportunity to Remedy
 - 8.1.1 The Department may offer, at its discretion, an opportunity for a Recovery Services Organization to remedy violation(s) of or instance(s) of non-compliance with this rule or any other applicable law, within a time period established by the Department.
 - 8.1.2 If making such an offer, the Department shall notify a Recovery Services Organization in writing of the violation(s) or instance(s) of non-compliance with this rule or with any other applicable law, and shall provide the Organization with an opportunity to address and remedy the violation(s) or instance(s) of non-compliance. The Department shall also notify the Organization of the manner by which the violation(s) or instance(s) of non-compliance must be remedied, if known, and the time period within which the Organization must remedy them.
 - 8.1.3 Upon notification by the Department, the Recovery Services Organization shall remedy the violation(s) or instance(s) of non-compliance within the time period set by the Department and in the manner determined by the Department, if any.
 - 8.1.4 At the conclusion of the time period established by the Department, the Recovery Services Organization shall demonstrate to the Department in a manner determined by the Department that the Organization has addressed and remedied the violation(s) or instance(s) of non-compliance and is in compliance with this rule and all other applicable laws.
 - 8.1.5 Failure to remedy the violation(s) or instance(s) of non-compliance of applicable law may result in suspension or revocation of the Recovery Services Organization's certification.

8.2 Suspension or Revocation

8.2.1 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).

8.2.2 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.

8.3 Appealing a Revocation or Suspension

8.3.1 A Recovery Services Organization may appeal the revocation or suspension of a certification in accordance with 18 V.S.A. § 128(a).

9.0 Appeals

9.1 Denials of Certification. When the Department denies certification or the renewal of a certification, the Recovery Services Organization may appeal the Department's decision in accordance with 18 V.S.A. § 128(a). Appeals are governed by Vermont Rule of Civil Procedure 74.