

Final Proposed 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

_____, on _____
(signature) (date)

Printed Name and Title:

Kristin McClure
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 Minutes
- Copy of Comments
- Responsiveness Summary

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. 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>

5. 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: Lauren Layman

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

6. 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:

7. 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).

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.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

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

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. **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).

15. 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.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

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 with extensive consultation with interested parties to ensure that the rule responds rationally and appropriately to legal and practical developments of creating a certification process for recovery service organizations.

17. 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

18. 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.

19. A HEARING WAS HELD.

20. 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.

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:

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

11/20/2024

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

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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 was held.

The rule was posted on the Department of Health website: <https://www.healthvermont.gov/laws-regulations/laws/rules-public-comment>

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

The following interested parties were notified of the rulemaking and provided a draft of the proposed rule for review.

- 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

Public Input

- Turning Point Center of Rutland
- Turning Point of Windham County
- 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)



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: May 13, 2024, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Diane Sherman, Jared Adler, Jennifer Mojo, Michael Obuchowski, Natalie Weill, and Nicole Dubuque

Members Absent: John Kessler

Minutes By: Melissa Mazza-Paquette

- 2:04 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the April 4, 2024 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 1. Recovery Services Organization Certification Rule, Vermont Department of Health, page 2
 2. Ambulance Services, Agency of Human Services, page 3
 3. Beneficiary Protections and Responsibilities, Agency of Human Services, page 4
 4. Marriage Ceremony For Incarcerated Individuals, Department of Corrections, page 5
 5. 2024 Materials Management Plan, Agency of Natural Resources, page 6
 6. Agency Designation, Agency of Human Services, page 7
- Next scheduled meeting is June 10, 2024 at 2:00 p.m.
- 3:08 p.m. meeting adjourned.

**Proposed Rule: Recovery Services Organization Certification Rule, Vermont Department of Health
Presented By: Natalie Weill**

Motion made to accept the rule by Sean Brown, seconded by Jared Adler, and passed unanimously except for Natalie Weill who abstained, with the following recommendations:

1. Proposed Filing – Coversheet, #10: Describe how it was factually based and how it’s rationally connected to those bases. Includes steps taken and reason it’s not arbitrary.
2. Public Input Maximization Plan:
 - a. #3: Include how and when/will agencies listed in #4 were/will be contacted.

DRAFT

To: Representative Trevor Squirrell, Chair of the Legislative Committee on Administrative Rules

From: Natalie Weill, Public Health Policy Advisor for Vermont Department of Health

Re: Recovery Services Organization Certification Rule

Date: November 25, 2024

The Department received no public comments in response to the Recovery Services Organization Certification Rule. However, following the filing of the rule for public comment, the Department of Health made changes to the proposed rule, reflected below. While the vast majority of the amendments made were not substantive and were made for clarity, concision, and to correct grammatical errors, the changes made in Section 9.0 of the Rule were more substantive in nature, and were made to correct an errant appeals process that was duplicative and inconsistent with the law.

1. Section 3.1.2 was amended to correct a grammatical error.
2. Section 4.1 was amended to incorporate the Department's authority to grant certifications pursuant to 8 V.S.A. Sec. 4089b(f)(2).
3. Section 4.2 was amended for clarity and to correct grammatical errors.
4. Section 4.3 was amended for concision.
5. Section 4.7 was amended for concision.
6. Section 4.9 was amended to correct a grammatical error.
7. Section 4.10 was amended to clarify the title of Recovery Services Organizations that are not certified by the Department of Health.
8. Section 4.11 was amended for clarity.
9. Section 5.1.1 was amended for clarity.
10. Section 5.1.2 was amended to accurately reflect the Department's authority to certify Recovery Services Organizations.
11. Section 5.1.3 was amended for clarity.



DEPARTMENT OF HEALTH

12. Section 5.1.4 was amended for concision.
13. Section 5.1.5 was amended for clarity.
14. Section 5.2.1 was amended for clarity.
15. Section 5.2.2 was added to clarify the expectations of Recovery Services Organizations when applying for certification.
16. Section 5.2.3 (previously 5.2.1) and its subsections were amended for clarity.
17. Section 5.3.1.1 was amended to establish a clear deadline when a certification lapses and the Organization is no longer eligible for funding. A certain cut-off (i.e. expiration date) is needed for administrative and legal purposes for the Department of Health to know which Recovery Services Organizations are certified and which ones are not.
18. Section 5.3.1.2 and its subsections were amended for clarity.
19. Section 5.3.2 was removed because it was unnecessary and unclear. Certified Recovery Services Organizations are certified during the renewal process until their certification expires, per 5.3.1.1., after which they are not certified.
20. Section 5.4.1 was amended for clarity.
21. Section 5.4.3 was amended for concision.
22. Section 6.1 was amended to distinguish the Departments authority to grant routine waivers or variances from provisions of the rule and its authority to grant a waiver or variance from any certification requirements in the rule. Amendments were made to Sections 6.2, 6.3, and the subsections of 6.3 to carry forward the changes made in section 6.1 and amended for clarity.
23. Section 6.4 was amended for clarity.
24. Sections 7.1, 7.1.1, and 7.1.2 were amended for clarity.
25. Section 8.0 and its subsections were amended to maintain compliance with the Recovery Service Organizations rights under certification.
26. Section 8.3 (previously section 8.5.1) was amended to reflect the correct statutory reference.



DEPARTMENT OF HEALTH

27. Section 9.0 and its subsections were amended to remove a duplicative appeals process that was inconsistent with the law.

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 support services. Recovery residences are certified by the certifying body authorized by the Department of Health.

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 Organization.

- 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 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 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
 - 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's 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 RSO 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.

DRAFT

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 support services. Recovery residences are certified by the certifying body authorized by the Department of Health.

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 Organization.

- 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 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 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
 - 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's 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.
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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).

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Department's decision in accordance with 18 V.S.A. § 128(a). Appeals are governed by Vermont Rule of Civil Procedure 74.

DRAFT

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JENNEY SAMUELSON
SECRETARY

KRISTIN MCCLURE
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, appearing to be "Jenney Samuelson", written over the "FROM:" line.

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