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VERMONT DEPARTMENT OF MENTAL HEALTH

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BURLINGTON - On May 4, 2009 the Vermont Department of Mental Health learned that the Centers for Medicare and Medicaid Services (CMS) has again denied the application for the Vermont State Hospital (VSH) to become eligible for federal financial participation. In a full report released today CMS cited that they found conditional level issues at VSH that precludes the hospital from moving forward on its efforts to gain federal certification. In the letter from Richard Shaw, Branch Chief of the CMS Region One Boston office he states, "If, in the course of an a survey, a hospital is found to have a deficiency with respect to compliance with the Conditions of Participation, we are required to make a determination that the hospital does not meet the requirements for participation."

"We have worked very hard to address deficiencies and improve the quality of care at VSH, and the CMS decision is disappointing," said Michael Hartman, commissioner of the Department of Mental Health.

"Those concerns identified by CMS in their fall 2008 report were addressed, and now, eight months later, surveyors identified different and new concerns. It is difficult to remediate deficiencies when the criteria shifts."

The new concerns were nearly equally divided between the patient care and the physical plant of the aged facility. The findings of CMS conflict with the findings of the Substance Abuse and Mental Health Services Administration (SAMHSA), another division within the U.S. Department of Health and Human Services, regarding patient centered care as illustrated in the report following SAMHSA's recent inspection of VT State Hospital. As well some CMS findings conflict with those of the Department of Justice (DOJ), which has reviewed VSH semi-annually for three years and found few of the same concerns expressed in either of the CMS reports.

The Douglas Administration, with legislative support, has invested significant funds to improve the staffing and physical plant at VSH since the initial findings of CMS in 2003 which decertified the hospital. These investments have been viewed in a positive light by the DOJ, and the hospital earned accreditation from the Joint Commission in the summer of 2008 as a result. Throughout that time both the executive and legislative branches have reviewed and put forward various concepts for moving the care at VSH to other sites. In this year's Capital Bill both houses of the Legislature approved funds requested by the Administration to make necessary maintenance and repairs at VSH, while also supporting the effort to create new sites. The Capital Bill includes \$500,000 to plan the development of a secure residential recovery program to replace fifteen long term care beds at VT State Hospital, and \$250,000 to go forward with planning for 12 new inpatient beds in the Rutland Regional Medical Center. Replacement options for

the remaining 16-20 beds are currently under review with discussions occurring between FAHC, the Brattleboro Retreat, and other hospitals.