

Public Availability of Cost Reports and Other Nursing Home Information Filed with the Division

LEGAL BACKGROUND

Previously, under Vermont public records law, providers' financial records filed with the Division were not public records and were not generally available for inspection or copying. *Vermont Health Care Association, Inc. v. State*, Slip. Op. Washington Superior Court, Docket No. S-379-83WnC, March 14, 1984 and V.D.R.S.R. §2.5(d). For cost reports filed on or after October 1, 1990, Vermont law was preempted by the federal requirement that all cost reports be treated as public information. 42 U.S.C. §1396(g)(5)(A)(ii).

During the 1998 legislative session, 33 V.S.A. §908(a) was amended to include a provision opening all documents relating to nursing homes filed with the Division public, with the exception of certain salary information. This statutory change preempts the provisions of V.D.R.S.R. §2.5(d) which is no longer effective.

PUBLIC AVAILABILITY OF NURSING HOME MATERIALS FILED WITH THE DIVISION

Nursing home materials filed with the Division are available for public inspection and copying. One exception has been made for the salary and wages of specific employees, which are not public information. However, the salaries of nursing home administrators are specifically denominated as available to the public.

This information may be analyzed and published by the Division. However, the Division is not required to produce the information in any form other than the one in which it was originally filed or in which it is currently being held.

PROCEDURE FOR INSPECTING AND COPYING DOCUMENTS AND OTHER MATERIALS

To prevent the disruption of the Division's operations the following procedures have been adopted for the inspection and copying of publically available information held by the Division.

1. A request to inspect or copy should be made in writing, clearly stating which materials are needed so that the Division can determine their availability in case they are in use or in storage, and can make convenient arrangements for inspection and copying.

**Public Availability of Cost Reports and
Other Financial Information Filed with the Division (cont.)**

2. Inspection and copying of material by the public will be permitted between the hours of 8:00 a.m. and 12:00 noon and 1:00 p.m. and 4:00 p.m. on any day other than a Saturday, Sunday, or a legal holiday.
3. The Division has a photocopier which may be used by the public for copying. (State employees in the performance of their duties will have priority for use of the copier.) Copying charges will be made according to the current Uniform Schedule of Public Record Charges for State Agencies adopted by the Secretary of State's Office (Model request letters and the fee schedule are posted on the Secretary of State's web site at <http://170.222.200.66/access/records/pubrec.htm>.)

Effective: July 1, 1998

s/Veronica Celani
Veronica Celani
Director