

STATE AUDITOR DOUG HOFFER

Press Release

Contact: State Auditor Doug Hoffer

Phone: 802.864.5711

Email: Doug.Hoffer@vermont.gov

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Auditor Doug Hoffer Releases Audit of the Department of Disabilities, Aging and Independent Living’s Efforts to Protect Long-Term Care Home Residents

Large Percentage of Facilities Found to Have Substantial Noncompliance with Regulations, and Department Has Not Been Performing Annual Inspections Required By Law

MONTPELIER, VT – State Auditor Doug Hoffer released a new audit today examining the Department of Disabilities, Aging and Independent Living’s performance inspecting long-term care homes housing vulnerable older Vermonters. The audit found that across seven years DAIL, as the department is called, was not performing annual facility inspections as required by law and rarely used enforcement tools to address the problems they found.

“Protecting the most vulnerable Vermonters is one of state government’s most sacred duties,” Hoffer said. “To put it plainly, DAIL’s efforts to ensure Vermonters living in assisted living and residential care facilities are safe have not been good enough. Inspections may have been interrupted during the height of COVID, but our review found systemic problems going back years before that.”

Vermont has three kinds of long term care homes – nursing homes, assisted living residences, and residential care homes. Nursing homes are subject to federal oversight, while assisted living and residential care facilities are only subject to state regulation. The audit focused on the latter two types of facilities.

Hoffer added: “One of the most important things we learned in this audit is that DAIL responds much quicker and uses enforcement tools more frequently in nursing homes than when the exact same problems are found in assisted living and residential care facilities. This doesn’t make sense since Vermonters living in all three types of facilities are classified as vulnerable.”

Notable findings in the audit include:

- Of the 691 inspections DAIL conducted during the audit period, 53 percent detected substantial noncompliance, meaning the facility’s noncompliance risked residents’ wellbeing, or, in the most severe instances, the facility caused or was likely to cause serious injury, serious harm, impairment, or death.

- DAIL failed to inspect facilities as often as required by law; as a practice, they strove to inspect each facility every two years, but statute requires *annual* inspections. In fact, as of March 2, 2023, 11 facilities had not been inspected since 2018.
- When DAIL found problems that could cause injury or death, they revisited the facilities to verify that the problems were corrected, but it took them between 54 and 125 days to do so. For the next most severe deficiencies, DAIL did not follow up at all more than half the time and took between 35 and 148 days to go back when they did.

Hoffer said: “I’ve had family members in long term care facilities, so I know how important this work is. Family members count on the state to make sure our peace of mind is not unfounded. Audits can make for dry reading -- to humanize it Vermonters should ask how they’d feel if it was their mother or father or grandparent in a facility that went years without inspection, or that repeatedly failed to meet safety requirements. I know Vermont can do better.”

To view the report, please click [here](#).