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February 23, 2017

Green Mountain Care Board
ATTN: Donna Jerry
3rd Floor City Center
89 Main St.
Montpelier, VT 05620

Dear Sir or Madam,

I am writing on behalf of Maxim Healthcare Services, Inc. ("Maxim") to inquire as to whether the Green Mountain Care Board requires Maxim to obtain Certificate of Need to furnish certain in-home services in Vermont. Please note that this inquiry is exploratory in nature only and Maxim has no concrete plans to provide the services outlined below in Vermont.

Maxim, an incorporated entity, is a nation-wide company with over 250 homecare and staffing offices in 46 states. The core services that Maxim provides include, but are not limited to, private duty nursing, intermittent home health nursing, intermittent home health aide services, private duty aide services, personal care services, companion/ homemaker services, and medical staffing. Depending on state requirements, Maxim offices hold one or more of the following licenses: Medicare-certified home health license, non-certified skilled homecare license, non-certified non-medical license, and medical staffing license. Some states do not require a license to provide one or more of aforementioned services. In those states, Maxim provides services without a license. The specific services that Maxim offices provide and licenses held vary by state and by office.

In Vermont, Maxim seeks to furnish the services listed below, which will be provided by one of more of the listed caregiver types.

(1) In-home personal care services provided to pediatric, adult or geriatric clients. Services will be provided on a long-term basis as either intermittent visits or in block time. Maxim proposes that these services will be provided by:

-Licensed Nursing Assistant (LNA): An unskilled worker who assists clients with activities of daily living, instrumental activities of daily living and light housekeeping, and who reports to and is supervised by an RN. The LNA will hold a LNA license from the state.

-Personal Care Assistant/Attendant (PCA) or equivalent title in Vermont: an unskilled worker who will assist clients with activities of daily living, instrumental activities of

daily living and light housekeeping. If required by state law, the personal care assistant or attendant will have completed a formal education course or training approved by the state and/or will hold a state license or certification.

-Homemaker: An unskilled worker who assists clients with tasks such as meal preparation, running errands, laundry and home chores. A homemaker will not hold any state license or certification.

(2) Private duty nursing services will be provided to pediatric, adult or geriatric clients. Private duty nursing services are long-term services that are furnished in block time (i.e. not intermittent nursing visits) in a home, school, or facility setting.¹ Clients requiring private duty nursing services typically have a diagnosis of a chronic illness (e.g. cerebral palsy, epilepsy, spina bifida, ALS and/or muscular dystrophy) that that requires the skills of a nurse to manage. Many times, clients receiving private duty nursing services require the management of a feeding tube, tracheostomy, or catheter, or are ventilator dependent. Nurses that furnish private duty nursing services provide one on one service to clients for up to 24 hours per day. Maxim proposes that private duty nursing services will be provided by:

-Registered Nurse (RN): The RN will perform necessary nursing functions within the RN scope of practice as defined by Vermont Board of Nursing; or

-Licensed Practical Nurse (LPN): The LPN will perform necessary nursing functions within the LPN scope of practice as defined by Vermont Board of Nursing.

(3) Medical staffing services provided to healthcare facilities. Maxim will enter into contracts with healthcare facilities to provide medical staff on a temporary/ per diem (hourly fee for service), temporary to permanent or direct placement basis. Maxim proposes it will provide healthcare facilities with the following staff disciplines:

-Registered Nurse (RN)

-Licensed Practical Nurse (LPN)

-Licensed Nursing Assistant (LNA)

-Other allied health professional positions including, but not limited to, therapists, lab technicians, and medical assistants.

If it were to move forward with providing some or all of the above-described in-home services, Maxim would lease office space in the state of Vermont. The specific location of the office has not yet been determined. Ideally, Maxim would like to provide services in all counties in Vermont. If this is not permissible under state law, it will provide services in all counties

¹ Patients residing in independent living facilities, assisted living facilities, and long term care facilities may elect to supplement the medical care that the facility provides with private duty nursing services provided by Maxim.

allowed in accordance with state law. Maxim proposes to provide all service types described above in one physical office. The company has established separate policies and procedures for each service type that will be followed by an office opened in Vermont. Maxim has the capability to generate one profit and loss statement covering all services or to split billing for each service type so separate profit and loss statements are generated for each service type.

Maxim respectfully requests a response that discusses whether a Certification of Need is required for any of the service types that Maxim proposes to provide and identifies any other regulatory concerns.

Sincerely,

Rachel Graubard
Assistant General Counsel
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