

**House Committee on Human Services**  
**H.171 An Act Relating to Adult Protective Services**  
**Disability Rights Vermont Testimony**  
**Lindsey Owen, Executive Director**

Thank you so much, for inviting me to speak with you today about the proposed changes to Adult Protective Services in Vermont. My name is Lindsey Owen, and I am the Executive Director at Disability Rights Vermont. I have been with the organization for over ten years. I started as an intern doing a semester in practice from Vermont Law School, and was hired on a part time basis while I finished law school the following semester. I worked as an advocate until I was sworn in to the Vermont Bar in November 2013. I served as a staff attorney for the next 8 years or so and was hired as the Executive Director in May 2021.

Disability Rights Vermont is the Protection and Advocacy agency for the State of Vermont. The Protection and Advocacy system was established after much attention in the media of horrific treatment of people with disabilities at a place named Willowbrook that was supposed to be providing care to these individuals. The abuse and neglect was profound and shocking. As a result, P&As across the country receive a variety of federal grants to investigate and remedy abuse, neglect and serious rights violations impacting individuals with disabilities and perpetrated by state actors, facilities, caregivers, employers and others. As Michael mentioned, while APS also is charged with investigating abuse, neglect and exploitation of vulnerable adults, occasionally DRVT has needed to step in to make sure that work is being done well and in accordance with the law, policies and procedures. Again, as Michael noted, Vermont Legal Aid and Disability Rights Vermont, representing COVE and other interested parties, brought the lawsuit against APS for failing to adequately protect vulnerable adults in 2011. DRVT also actively participates on the APS Advisory Committee, including conducting file reviews, and working with DAIL and APS on this reform proposal.

We support and join in Vermont Legal Aid's written testimony submitted by Michael Benvenuto.

DRVT's line by line comment:

1. The definition and saying “within 30 day AFTER... was a patient...” (p13 paragraph 33A) that would mean someone could have been assaulted at a nursing home, brought to the ED and then stayed in the hospital or maybe went to live with grandson and because they didn’t return to the facility within 30 days they wouldn’t be considered vulnerable at the time the abuse happened?? It makes no sense. It should just say “within 30 days of”
2. On page 4. I wasn’t sure if “activities of daily living” should be exhaustive as it currently reads... sleeping (which I have been really struggling with lately) seems like it is an activity of daily living, but not listed here...
3. On page 6, paragraph 11, defining “decisional ability” as the ability to make informed decisions.... That seems circular to me. I think it is to know all of the options and outcomes and understand the consequences or something to that effect...
4. The definition of mandatory reporter seems real vague to me, is social services defined somewhere? (p8)
5. P10, paragraph 23 “provider” only cares for persons known to be vulnerable? I’m not sure that is accurate... I think providers just care for people...
6. P11, paragraph 27, would be nice to include attorney here perhaps
7. P14- I think we all agree to keep 48 hours and not 2 business days, which could lead to a delay of about 4 days in some long weekend cases, which seems too long.
8. P14- In the first category of who “shall report” it says people who “directly provide” healthcare, law enforcement, caregiving... to VAs.... I think this would have the effect of excluding school bus drivers and admin staff of schools or hospitals?? But have no fear, because on the bottom of page 15 it says “any other concerned person...” so essentially everyone except the LTCO and crisis workers are mandatory reporters??? That can’t be right... they struck out the language about this secondary category being optional...
9. I had soooo many questions in the Assessment and Investigation section, so I like that they built in a need to sort all of that out in rule making.
10. On page 21, I would include a paragraph C4 to include notice to the victim of outcome of assessment.
11. It sounds like there are two appeal tracks... an independent review, which could then go to the HSB... or can go directly to the HSB?? and on page 28, paragraph 11 its says AP has 30 days to appeal to HSB, and then the hearing shall be expedited to be held within 30 days after notice sent to AP of substantiation... which could mean the appeal could be requested and needed to be heard on the

same day. I think they meant “30 days after appeal requested” to have the hearing.

12. Jurisdiction and venue, page 56, paragraph c I think should say were vulnerable adult resides, not plaintiff. Because the plaintiff could be an interested party or APS??

13. Final thought from DRVT is that I would have liked to see the Relief Section mirror Title 15, wherein you can get continued financial support, pets, etc. See 15 V.S.A. §1103(c)(2). I think that would be important to include here as well.

Thank you,

Lindsey Owen