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H.290

Introduced by Representatives Haas of Rochester, Batchelor of Derby, Davis
of Washington, Donahue of Northfield, Fisher of Lincoln,
Frank of Underhill, French of Randolph, Lippert of Hinesburg,
McFaun of Barre Town, Mrowicki of Putney, Pearson of
Burlington, Pugh of South Burlington, Trieber of Rockingham,
Wizowaty of Burlington and Woodward of Johnson

Referred to Committee on

Date:

Subject: Human services; department of disabilities, aging, and independent
living; adult protective services

Statement of purpose: This bill proposes to require the secretary of human
services to adopt rules governing the implementation of the statutory
responsibilities of the department of disabilities, aging, and independent living,
division of licensing and protection, with respect to adult protective services.

An act relating to adult protective services

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. ADULT PROTECTIVE SERVICES; RULEMAKING~~

~~The secretary of human services shall adopt rules pursuant to chapter 25 of
Title 3 governing the implementation of the statutory responsibilities of the~~

1 department of disabilities, aging, and independent living, division of licensing
2 and protection, with respect to adult protective services. The rules shall
3 include:

4 (1) standards for the timeliness of investigations;

5 (2) criteria for screening reports and complaints;

6 (3) criteria for substantiating complaints;

7 (4) a process for investigating reports and complaints, including
8 guidance on the roles of the victim and the reporter during the investigation
9 process;

10 (5) guidelines for coordinating and cooperating with law enforcement;

11 (6) criteria for when and how the division will provide protective
12 services in accordance with a written treatment plan;

13 (7) guidelines for investigating cases of self-neglect;

14 (8) a process for closing an investigation; and

15 (9) an appeals process that gives the victim and the reporter the right to
16 participate in the appeal.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.

Sec. 1. ADULT PROTECTIVE SERVICES; RULEMAKING

The secretary of human services shall adopt rules pursuant to chapter 25 of Title 3 governing the implementation of the statutory responsibilities of the department of disabilities, aging, and independent living, division of licensing and protection, with respect to adult protective services. The rules shall include:

- (1) criteria for screening reports and complaints;
- (2) standards for priority determinations and the timeliness of investigations;
- (3) criteria for substantiating complaints;
- (4) a process for investigating reports and complaints, including guidance on the roles of the victim and the reporter during the investigation process;
- (5) processes for responding to inquiries from victims and reporters and for meeting statutory requirements regarding notification of these individuals;
- (6) standards for coordinating and cooperating with law enforcement and state's attorneys;
- (7) criteria for when and how the division will arrange for protective services in accordance with a written treatment plan;
- (8) criteria for distinguishing possible statutory violations from probable self-neglect;
- (9) appropriate referrals for probable self-neglect;
- (10) a process for closing an investigation; and
- (11) an appeals process that gives the victim and the reporter the right to participate in the appeal of a substantiation.

Sec. 2. APPEAL OF UNSUBSTANTIATION

No later than January 15, 2012, the commissioner of disabilities, aging, and independent living shall make a recommendation to the house committee on human services and the senate committee on health and welfare regarding whether alleged victims of abuse or neglect should have the right to appeal a finding of unsubstantiation.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.