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H.105

Introduced by Representatives Haas of Rochester, Batchelor of Derby, Burditt  
of West Rutland, Donahue of Northfield, Frank of Underhill,  
French of Randolph, Krowinski of Burlington, McFaun of Barre  
Town, Mrowicki of Putney, Pugh of South Burlington, and  
Trieber of Rockingham

Referred to Committee on

Date:

Subject: Human services; vulnerable adults; adult protective services

Statement of purpose of bill as introduced: This bill proposes to require the  
Department of Disabilities, Aging, and Independent Living to provide monthly  
reports to the General Assembly regarding its Adult Protective Services  
Program. It would also direct the Secretary of Human Services and the  
Commissioner of Disabilities, Aging, and Independent Living to contract with  
an entity to conduct an independent evaluation of the adult protective services  
provided by the Department of Disabilities, Aging, and Independent Living's  
Division of Licensing and Protection.

18 An act relating to adult protective services reporting requirements  
19 It is hereby enacted by the General Assembly of the State of Vermont:

1       Sec. 1. ADULT PROTECTIVE SERVICES REPORTS

2           (a) On or before July 15, 2013 and by the 15th day of each month thereafter  
3       through July 2015, the Commissioner of Disabilities, Aging, and Independent  
4       Living shall provide the information described in subsection (b) of this section  
5       to the General Assembly. When the General Assembly is in session, the  
6       Commissioner shall provide the information to the House Committee on  
7       Human Services, the Senate Committee on Health and Welfare, and the House  
8       and Senate Committees on Judiciary. When the General Assembly is not in  
9       session, the Commissioner shall provide the information to the chairs of the  
10       committees of jurisdiction, to the Health Care Oversight Committee, and to the  
11       Office of Legislative Council.

12           (b) The Commissioner shall provide the following information relating to  
13       the Department's adult protective services activities during the preceding  
14       calendar month and for the calendar year to date:

15           (1) the number of unduplicated intakes and the number of such intakes  
16       assigned for investigation;

17           (2) the total number of cases currently open and under investigation;

18           (3) a range of the lengths of time between receipt of a report of abuse,  
19       neglect, or exploitation and the first contact with the alleged victim;

20           (4) the method of first contact with an alleged victim;

1           (5) a range of the lengths of time between receipt of a report of abuse,  
2           neglect, or exploitation and the first contact with the reporter;

3           (6) the number of cases that were not investigated pursuant to  
4           33 V.S.A. § 6906 because:

5                   (A) the alleged victim did not meet the statutory definition of a  
6                   vulnerable adult;

7                   (B) the allegation did not meet the statutory definition of abuse,  
8                   neglect, or exploitation;

9                   (C) the report was based on self-neglect; or

10                  (D) the report was based on “resident on resident” abuse;

11           (7) of the cases not investigated pursuant to 33 V.S.A. § 6906 because  
12           the alleged victim did not meet the statutory definition of a vulnerable adult,  
13           the number that involved an alleged victim who was a resident of a facility as  
14           defined in 33 V.S.A. § 6902(14)(A), or a resident of a psychiatric hospital as  
15           defined in 33 V.S.A. § 6902(14)(B);

16           (8) of the cases not investigated pursuant to 33 V.S.A. § 6906 because  
17           the alleged victim did not meet the statutory definition of a vulnerable adult,  
18           the number that involved an alleged victim who was receiving personal care  
19           services as defined in 33 V.S.A. § 6902(14)(C);

20           (9) of the cases not investigated pursuant to 33 V.S.A. § 6906, the  
21           services to which the reporter, alleged victim, or both were referred;

1           (10) reasons other than those listed in subdivision (6) of this subsection  
2           for which a case was not investigated pursuant to 33 V.S.A. § 6906, such as no  
3           allegation of mistreatment, and the number of reports in each category;

4           (11) the number of cases in which there was no contact with the alleged  
5           victim or the reporter after the initial screening;

6           (12) the number of substantiations, pending substantiations,  
7           unsubstantiations, and completed investigations;

8           (13) a range of lengths of time between receipt of a report of abuse,  
9           neglect, or exploitation and:

10           (A) the Department reaching a decision about whether to investigate;

11           (B) an investigator contacting the alleged victim; and

12           (C) the Department completing the investigation;

13           (14) as of the last day of the month, the number of permanent full-time  
14           equivalent employees and vacancies, the number of temporary full-time  
15           equivalent employees and vacancies, the position titles of all employees and  
16           vacant positions, and the employees' caseloads;

17           (15) the number of:

18           (A) cases that resulted in a written coordinated treatment plan

19           pursuant to 33 V.S.A. § 6907(a), protective services as defined in

20           33 V.S.A. § 6902(9), or a plan of care as defined in 33 V.S.A. § 6902(8);

1           (B) individuals put on the abuse and neglect registry as a result of a  
2 substantiation;

3           (C) referrals to law enforcement agencies;

4           (D) times a penalty was imposed pursuant to 33 V.S.A. § 6913; and

5           (E) actions for intermediate sanctions brought pursuant to  
6 33 V.S.A. § 7111;

7           (16) for cases that were investigated, the outcome of each case,  
8 including the services for which the victim, the perpetrator, or both were  
9 referred.

10          (c) Beginning in July 2014, the Commissioner shall also include in each  
11 monthly report all of the information described in subsection (b) of this section  
12 for the same month of the preceding calendar year in order to allow for  
13 year-to-year comparison.

14          Sec. 2. ADULT PROTECTIVE SERVICES EVALUATION

15          (a) The Secretary of Human Services and the Commissioner of Disabilities,  
16 Aging, and Independent Living shall jointly issue a request for proposals to  
17 conduct an independent evaluation of the adult protective services provided by  
18 the Department of Disabilities, Aging, and Independent Living's Division of  
19 Licensing and Protection.

20          (b) The evaluation shall examine:

21           (1) the effectiveness of the adult protective services provided;

- 1           (2) the Division's responsiveness to complaints;
- 2           (3) the appropriateness of the level of investigation into complaints;
- 3           (4) the adequacy of training for adult protective services staff;
- 4           (5) the ability of vulnerable adults to access adult protective services;
- 5           (6) the Division's rules, protocols, and practices for prioritizing,
- 6 responding to, and investigating complaints;
- 7           (7) the sufficiency of adult protective services staffing levels in the
- 8 division;
- 9           (8) the number of reports, substantiations, and reversals by the
- 10 Commissioner or the Human Services Board;
- 11           (9) the role that the Division does or should play in assessing and
- 12 providing emergency protective services to vulnerable adults;
- 13           (10) best practices from other states that would improve the Division's
- 14 ability to protect vulnerable adults from abuse and exploitation;
- 15           (11) the scope and effectiveness of current adult protective services
- 16 public education efforts;
- 17           (12) public perception of and satisfaction with adult protective services;
- 18           (13) the relationship between the units of survey and certification and
- 19 adult protective services in the Division of Licensing and Protection in the
- 20 Department of Disabilities, Aging, and Independent Living with respect to
- 21 investigations of abuse, exploitation, and neglect; and

1           (14) such other areas as the entity conducting the evaluation deems  
2 appropriate.

3           (c) On or before March 1, 2014, the entity conducting the evaluation shall  
4 provide an interim report regarding its work to date to the House Committee on  
5 Human Services, the Senate Committee on Health and Welfare, and the House  
6 and Senate Committees on Judiciary. On or before October 1, 2014, the entity  
7 conducting the evaluation shall provide the final report of its findings and  
8 recommendations to the Chairs of the House Committee on Human Services,  
9 the Senate Committee on Health and Welfare, and the House and Senate  
10 Committees on Judiciary, to the Health Care Oversight Committee, and to the  
11 Office of Legislative Council.

12           (d) The Secretary of Human Services and the Commissioner of Disabilities,  
13 Aging, and Independent Living shall report, upon request, on the status of the  
14 contract and the evaluation to the Chairs of the House Committee on Human  
15 Services, the Senate Committee on Health and Welfare, and the House and  
16 Senate Committees on Judiciary and to the Health Care Oversight Committee.

17 Sec. 3. TRANSFER

18           A transfer of up to \$75,000.00 is authorized from the Department of  
19 Vermont Health Access Long-Term Care Program or the Department of  
20 Disabilities, Aging, and Independent Living to the Secretary of Human  
21 Services to implement the provisions of this act.

1       Sec. 4. REPEAL

2             2005 Acts and Resolves No. 79, Sec. 12 (adult protective services annual  
3       report) is repealed.

4       Sec. 5. EFFECTIVE DATE

5             This act shall take effect on passage.