

H.105

An act relating to adult protective services reporting requirements

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) According to the 2012 Annual Report on Adult Protective Services, the Adult Protective Services program received 1,829 reports of abuse, neglect, and exploitation in 2012 and opened 872 investigations.

(2) Currently there are no data that explain why 957 reports received in 2012 were not investigated.

(3) Consistent data are not available that explain what referrals were made to assist or protect the alleged victims.

(4) According to an August 2012 report prepared by the Self-Neglect Task Force convened by the Department of Disabilities, Aging, and Independent Living, in 2010 the Department's Adult Protective Services program received 263 reports of self-neglect and investigated 42 of those reports.

(5) The Task Force report explains that although Adult Protective Services makes numerous referrals to law enforcement and other agencies, the available data do not identify the number of referrals that were made in

response to allegations of self-neglect or to whom reporters or persons who were self-neglecting were referred.

(6) The Department of Disabilities, Aging, and Independent Living recently awarded grants to Vermont's five Area Agencies on Aging to support and enhance coordinated community responses to persons who are self-neglecting. The request for proposals for the grants acknowledges a lack of data at both the state and community levels to determine the scope of the problem of self-neglect.

#### Sec. 2. ADULT PROTECTIVE SERVICES DATA

(a) On or before July 15, 2013, and by each July 15, October 15, January 15, and April 15 through July 2015, the Commissioner of Disabilities, Aging, and Independent Living shall provide the information described in subsection (b) of this section to the General Assembly. When the General Assembly is in session, the Commissioner shall provide the information to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the House and Senate Committees on Judiciary. When the General Assembly is not in session, the Commissioner shall provide the information to the Health Care Oversight Committee. The Commissioner shall also post the information to the Department's website in order to make the information available to the public.

(b) The Commissioner shall provide the following information relating to the Department's adult protective services activities during the preceding calendar quarter:

(1) the number of unduplicated reports and the number of such reports assigned for investigation;

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

(3) the number of reports assigned for investigation that were not substantiated;

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

(A) the report was based on self-neglect;

(B) the alleged victim did not meet the statutory definition of a vulnerable adult;

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

(D) the report was based on "resident on resident" abuse;

(E) the alleged victim died; or

(F) for any other reason.

(5) for reports not investigated because the alleged victim did not meet the definition of a vulnerable adult, the relationship of the reporter to the alleged victim; and

(6) for reports not investigated pursuant to 33 V.S.A. § 6906, the services or agencies to which the reporter, alleged victim, or both were referred.

Sec. 3. 2005 Acts and Resolves No. 79, Sec. 12 is amended to read:

Sec. 12. REPORT

(a) ~~On~~ Notwithstanding the provisions of 2 V.S.A. § 20(d), on or before January 15, 2006 and on or before January 15 of each year thereafter, the ~~secretary of the agency of human services~~ Secretary of Human Services shall submit a report to the following committees: the ~~house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare~~ House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare. The report shall include:

(1)(A) ~~The~~ For the preceding year, the number of reports of abuse, exploitation, and neglect:

(i) received by ~~adult protective services~~ Adult Protective Services (APS) within the ~~department of aging and independent living during the preceding year~~ Department of Disabilities, Aging, and Independent Living, and the total number of persons who filed reports.

(ii) investigated by APS ~~during the preceding year.~~

(iii) substantiated by APS ~~during the preceding year.~~

(iv) referred to other agencies for investigation by APS ~~during the preceding year~~, including identification of each agency and the number of referrals it received.

(v) referred for protective services by APS ~~during the preceding year~~, including a summary of the services provided.

(vi) resulting in a written coordinated treatment plan pursuant to 33 V.S.A. § 6907(a) or a plan of care as defined in 33 V.S.A. § 6902(8).

(vii) for which an individual was placed on the abuse and neglect registry as the result of a substantiation.

(viii) referred to law enforcement agencies.

(ix) for which a penalty was imposed pursuant to 33 V.S.A. § 6913.

(x) for which actions for intermediate sanctions were brought pursuant to 33 V.S.A. § 7111.

(B) For each type of report required from APS by subdivision (1)(A) of this section, a statistical breakdown of the number of reports according to the type of abuse and to the victim's:

- (i) relationship to the reporter;
- (ii) relationship to the alleged perpetrator;
- (iii) age;
- (iv) disability or impairment; and

(v) place of residency.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.