

1 S.23

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Human Services; adult protective services; law enforcement; access  
6 to records

7 Statement of purpose: This bill proposes to provide law enforcement officers  
8 and adult protective services investigators with access to the medical and  
9 financial records of alleged victims of abuse, neglect, or exploitation.

10 An act relating to access to records in adult protective services  
11 investigations

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

13 Sec. 1. 33 V.S.A. § 6903 is amended to read:

14 § 6903. REPORTING SUSPECTED ABUSE, NEGLECT, AND  
15 EXPLOITATION OF VULNERABLE ADULTS

16 (a) Any of the following, other than a crisis worker acting pursuant to  
17 12 V.S.A. § 1614, who knows of or has received information of abuse, neglect,  
18 or exploitation of a vulnerable adult or who has reason to suspect that any  
19 vulnerable adult has been abused, neglected, or exploited shall report or cause

1 a report to be made in accordance with the provisions of section 6904 of this  
2 title within 48 hours:

3 (1) All employees, contractors, and grantees of the ~~agency of human~~  
4 ~~services~~ Agency of Human Services who are involved in caregiving.

5 (2) A physician, osteopath, chiropractor or physician's assistant, nurse,  
6 medical examiner, licensed nursing assistant, emergency medical services  
7 personnel, dentist, or psychologist.

8 (3) A school teacher, school librarian, school administrator, school  
9 guidance counselor, school aide, school bus driver, or school employee or  
10 school contractor who works regularly with students.

11 (4) A mental health professional, social worker, person or organization  
12 that offers, provides, or arranges for personal care for vulnerable adults, a  
13 caregiver employed by a vulnerable adult, employee of or contractor involved  
14 in caregiving for a community mental health center, law enforcement officer,  
15 and an individual who works regularly with vulnerable adults and who is an  
16 employee of an adult day care center, area agency on aging, senior center, or  
17 meal program designed primarily to serve vulnerable adults.

18 (5) A hospital, nursing home, residential care home, home health agency  
19 or any entity providing nursing or nursing related services for remuneration,  
20 intermediate care facility for adults with ~~mental retardation~~ intellectual  
21 disabilities, therapeutic community residence, group home, developmental

1 home, school or contractor involved in caregiving, operator or employee of any  
2 of these facilities or agencies.

3 (b) Any other concerned person not listed in subsection (a) of this section  
4 who knows of or has received a complaint of abuse, neglect, or exploitation of  
5 a vulnerable adult or who has reason to suspect that any vulnerable adult has  
6 been abused, neglected, or exploited may report or cause a report to be made in  
7 accordance with the provisions of section 6904 of this title.

8 (c) The identity of a person who makes a report under this section shall be  
9 kept confidential unless:

10 (1) the person making the report consents to disclosure; ~~or~~

11 (2) a judicial proceeding results from the report; or

12 (3) a court, after a hearing, finds probable cause to believe the report

13 was not made in good faith and orders the department to disclose the person's  
14 identity.

15 (d) A person having custody or control of medical or financial records of a  
16 vulnerable adult for whom a report is required or authorized under this section  
17 shall make such records or a copy of such records available to a law  
18 enforcement officer or an adult protective services worker investigating the  
19 vulnerable adult's abuse, neglect, or exploitation upon receipt of a written  
20 request for the records signed by the law enforcement officer or adult  
21 protective services worker. Records disclosed pursuant to this subsection are

1 confidential and exempt from public inspection and copying under the Public  
2 Records Act and may be used only in a judicial or administrative proceeding or  
3 investigation resulting from a report required or authorized under this section.

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2013.