

1 S.24

2 Introduced by Senator Ayer

3 Referred to Committee on

4 Date:

5 Subject: Human services; vulnerable adults; adult protective services

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

14 An act relating to adult protective services reporting requirements

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

16 Sec. 1. ADULT PROTECTIVE SERVICES REPORTS

17 (a) On or before July 15, 2013 and by the 15th day of each month thereafter
18 through July 2015, the Commissioner of Disabilities, Aging, and Independent
19 Living shall provide the information described in subsection (b) of this section
20 to the General Assembly. When the General Assembly is in session, the

1 Commissioner shall provide the information to the House Committee on
2 Human Services, the Senate Committee on Health and Welfare, and the House
3 and Senate Committees on Judiciary. When the General Assembly is not in
4 session, the Commissioner shall provide the information to the chairs of the
5 committees of jurisdiction, to the Health Care Oversight Committee, and to the
6 Office of Legislative Council.

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

10 (1) the number of unduplicated intakes and the number of such intakes
11 assigned for investigation;

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

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

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

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

18 (6) the number of cases that were not investigated pursuant to
19 33 V.S.A. § 6906 because:

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

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

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

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

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

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

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

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

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

1 (12) the number of substantiations, pending substantiations,
2 unsubstantiations, and completed investigations;

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

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

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

7 (C) the Department completing the investigation;

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

12 (15) the number of:

13 (A) cases that resulted in a written coordinated treatment plan
14 pursuant to 33 V.S.A. § 6907(a), protective services as defined in
15 33 V.S.A. § 6902(9), or a plan of care as defined in 33 V.S.A. § 6902(8);

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

18 (C) referrals to law enforcement agencies;

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

20 (E) actions for intermediate sanctions brought pursuant to
21 33 V.S.A. § 7111;

1 (16) for cases that were investigated, the outcome of each case,
2 including the services for which the victim, the perpetrator, or both were
3 referred.

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

8 Sec. 2. ADULT PROTECTIVE SERVICES EVALUATION

9 (a) The Secretary of Human Services and the Commissioner of Disabilities,
10 Aging, and Independent Living shall jointly issue a request for proposals to
11 conduct an independent evaluation of the adult protective services provided by
12 the Department of Disabilities, Aging, and Independent Living's Division of
13 Licensing and Protection.

14 (b) The evaluation shall examine:

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

16 (2) the Division's responsiveness to complaints;

17 (3) the appropriateness of the level of investigation into complaints;

18 (4) the adequacy of training for adult protective services staff;

19 (5) the ability of vulnerable adults to access adult protective services;

20 (6) the Division's rules, protocols, and practices for prioritizing,
21 responding to, and investigating complaints;

1 (7) the sufficiency of adult protective services staffing levels in the
2 division;

3 (8) the number of reports, substantiations, and reversals by the
4 Commissioner or the Human Services Board;

5 (9) the role that the Division does or should play in assessing and
6 providing emergency protective services to vulnerable adults;

7 (10) best practices from other states that would improve the Division's
8 ability to protect vulnerable adults from abuse and exploitation;

9 (11) the scope and effectiveness of current adult protective services
10 public education efforts;

11 (12) public perception of and satisfaction with adult protective services;

12 (13) the relationship between the units of survey and certification and
13 adult protective services in the Division of Licensing and Protection in the
14 Department of Disabilities, Aging, and Independent Living with respect to
15 investigations of abuse, exploitation, and neglect; and

16 (14) such other areas as the entity conducting the evaluation deems
17 appropriate.

18 (c) On or before March 1, 2014, the entity conducting the evaluation shall
19 provide an interim report regarding its work to date to the House Committee on
20 Human Services, the Senate Committee on Health and Welfare, and the House
21 and Senate Committees on Judiciary. On or before October 1, 2014, the entity

1 conducting the evaluation shall provide the final report of its findings and
2 recommendations to the Chairs of the House Committee on Human Services,
3 the Senate Committee on Health and Welfare, and the House and Senate
4 Committees on Judiciary, to the Health Care Oversight Committee, and to the
5 Office of Legislative Council.

6 (d) The Secretary of Human Services and the Commissioner of Disabilities,
7 Aging, and Independent Living shall report, upon request, on the status of the
8 contract and the evaluation to the Chairs of the House Committee on Human
9 Services, the Senate Committee on Health and Welfare, and the House and
10 Senate Committees on Judiciary and to the Health Care Oversight Committee.

11 Sec. 3. TRANSFER

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

16 Sec. 4. REPEAL

17 2005 Acts and Resolves No. 79, Sec. 12 (adult protective services annual
18 report) is repealed.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.