

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 171 entitled “An act relating to adult protective services” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 Sec. 1. 33 V.S.A. chapter 69, subchapter 1 is amended to read:

8 Subchapter 1. Reports of Abuse of Vulnerable Adults

9 § 6901. PURPOSE

10 (a) The purpose of this chapter is to:

11 (1) protect vulnerable adults whose health and welfare may be adversely
12 affected through abuse, neglect, or exploitation; ~~provide a temporary or~~
13 ~~permanent nurturing and safe environment for vulnerable adults when~~
14 ~~necessary; and for these purposes to require the reporting of suspected abuse,~~
15 ~~neglect, and exploitation of vulnerable adults and the investigation of such~~
16 ~~reports and provision of services, when needed; and to intervene in the family~~
17 ~~or substitute care situation only when necessary to ensure proper care and~~
18 ~~protection of a vulnerable adult or to carry out other statutory responsibilities~~

19 (2) recognize and accommodate the barriers for vulnerable adults that
20 may impair both their response to maltreatment and the ability to substantiate
21 allegations of maltreatment; and

1 (3) require the reporting of suspected abuse, neglect, and exploitation of
2 vulnerable adults, the investigation of such reports, and the establishment of
3 protective services, when needed.

4 (b) The provision of protective services under this chapter shall not cause
5 undue harm or violate the individual’s autonomy and shall provide
6 opportunities for the vulnerable adult’s preferences to be considered.

7 § 6902. DEFINITIONS

8 As used in this chapter:

9 (1) “Abuse” means:

10 (A) Any medical treatment of a vulnerable adult that places life,
11 health, or welfare in jeopardy or is likely to result in impairment of health that
12 purposely, knowingly, recklessly, or negligently that places the life, health, or
13 welfare of a vulnerable adult in jeopardy and or is likely to result in
14 impairment of health to the vulnerable adult.

15 (B) Any conduct committed ~~with an intent or reckless disregard that~~
16 ~~such conduct~~ purposely, knowingly, or recklessly that is likely to cause
17 unnecessary harm, unnecessary pain, or unnecessary suffering to a vulnerable
18 adult or places the life, health, or welfare of a vulnerable adult in jeopardy or is
19 likely to result in impairment of health to the vulnerable adult.

20 (C) ~~Unnecessary or unlawful confinement~~ or unnecessary or unlawful
21 restraint of a vulnerable adult Confinement, seclusion, restraint, or interference

1 with the freedom of movement of a vulnerable adult, unless necessary to
2 ensure the health and safety of the vulnerable adults or others.

3 (D)(i) Any sexual activity or acts of a sexual nature with a vulnerable
4 adult by a caregiver ~~who volunteers for or is paid by a caregiving facility or~~
5 ~~program.~~ This definition shall not apply to a consensual relationship between a
6 vulnerable adult and a spouse or household member as defined in 15 V.S.A.
7 § 1101, nor or to a consensual relationship between a vulnerable adult and a
8 caregiver hired, supervised, and directed by the vulnerable adult.

9 (ii) Any sexual activity or acts of a sexual nature such as fondling,
10 exposure of genitals, and lewd and lascivious conduct with a vulnerable adult
11 when the vulnerable adult does not consent or when the individual knows or
12 should know that the vulnerable adult is incapable of resisting or declining
13 consent to the sexual activity due to age, disability, or fear of retribution or
14 hardship, regardless of whether the individual has actual knowledge of the
15 adult's status as a vulnerable adult.

16 (E) ~~Intentionally subjecting a vulnerable adult to behavior that should~~
17 ~~reasonably be expected to result in intimidation, fear, humiliation, degradation,~~
18 ~~agitation, disorientation, or other forms of serious emotional distress~~ Purposely
19 or recklessly subjecting a vulnerable adult to behavior that a reasonable person
20 would expect to result in serious emotional or psychological distress, including
21 intimidation, fear, humiliation, degradation, agitation, or disorientation.

1 (F) Administration, or threatened administration, of a drug; or
2 substance, ~~or preparation~~ to a vulnerable adult for a purpose other than
3 legitimate and lawful medical or therapeutic treatment.

4 (G) Denial or withholding of necessary medication, care, durable
5 medical equipment, or treatment.

6 (H) Use of deception, coercion, undue influence, harassment, duress,
7 or fraud to induce a vulnerable adult to request or consent to receive or refuse
8 treatment.

9 (2) “Activities of daily living” means dressing and undressing, bathing,
10 personal hygiene, bed mobility, toilet use, transferring, mobility in and around
11 the home, communication, and eating.

12 (3) “Adult” means any individual who is 18 years of age or older.

13 (4) “Alleged perpetrator” means the individual alleged to have abused,
14 neglected, or exploited the alleged victim.

15 (5) “Alleged victim” means the individual who is alleged to have been
16 abused, neglected, or exploited by the alleged perpetrator.

17 (6) “Assessment” means a process by which Adult Protective Services
18 gathers additional information to determine if an investigation should be
19 opened.

20 (7) “Care” means subsistence, medical services, ~~custodial services,~~
21 personal care services, mental health services, or rehabilitative services and

1 includes assistance with activities of daily living or instrumental activities of
2 daily living.

3 (8) “Caregiver” means:

4 (A) a person, agency, facility, or other organization with a designated
5 responsibility for providing subsistence or medical or other care to an adult
6 who is an elder or has a disability, who has assumed the responsibility
7 voluntarily, by contract, or by an order of the court; or a person providing care,
8 including medical care, custodial care, personal care, mental health services,
9 rehabilitative services, or any other kind of care provided that is required
10 because of another’s age or disability care to another;

11 (B) a worker or employee in a facility or program that provides care
12 to an adult who is an elder or has a disability and who has assumed the
13 responsibility voluntarily, by contract, or by an order of the court; or

14 (C) a person providing care to a person that is required because of the
15 person’s age or disability.

16 (3)(9) “Commissioner” means the Commissioner of Disabilities, Aging,
17 and Independent Living.

18 (4)(10) “Department” means the Vermont Department of Disabilities,
19 Aging, and Independent Living.

20 (11) “Decisional ability” means an individual has a professionally
21 assessed capacity to make informed decisions.

1 (5)(11) “Employer” means a person or organization who employs or
2 contracts with one or more individuals to care for vulnerable adults, on either a
3 paid or volunteer basis.

4 (6)(12) “Exploitation” means:

5 (A) willfully or knowingly using, withholding, transferring, or
6 disposing of funds or property of a vulnerable adult without or in excess of
7 legal authority ~~for the wrongful profit or advantage of another~~ to the detriment
8 of a vulnerable adult;

9 (B) purposeful unauthorized access, sharing, or use of identifying
10 information, image or likeness, personal accounts, or documents of a
11 vulnerable adult without or in excess of legal authority to the detriment of the
12 vulnerable adult or for the wrongful profit or advantage of another;

13 (C) breach of duty by a guardian, agent, or other fiduciary to the
14 detriment of a vulnerable adult;

15 (D) acquiring or attempting to acquire possession or control of or an
16 interest in funds or property of a vulnerable adult through the use of deception,
17 force, threat, coercion, undue influence, harassment, duress, or fraud;

18 (C)(E) ~~the act of forcing or compelling a vulnerable adult against his~~
19 ~~or her will to perform services for the profit or advantage of another~~ refusing to
20 return or surrender possession or control of an interest in funds or property of a

1 vulnerable adult upon the request of a vulnerable adult or the vulnerable
2 adult’s representative;

3 ~~(D)(F) any sexual activity with a vulnerable adult when the~~
4 ~~vulnerable adult does not consent or when the actor knows or should know that~~
5 ~~the vulnerable adult is incapable of resisting or declining consent to the sexual~~
6 ~~activity due to age or disability or due to fear of retribution or hardship,~~
7 ~~whether or not the actor has actual knowledge of vulnerable status knowingly~~
8 ~~failing to use a vulnerable adult’s income and assets for the necessities~~
9 ~~required for that person’s vulnerable adult’s support and maintenance;~~

10 (G) influencing or persuading a vulnerable adult to perform services
11 with substandard compensation for the profit or advantage of another.

12 (13) “Expungement” means the removal of an individual’s name and
13 associated identifying information from the Adult Abuse Registry.

14 (14) “Instrumental activities of daily living” means meal preparation,
15 medication management, phone use, money management, household
16 maintenance, housekeeping, laundry, shopping, transportation, and care of
17 adaptive equipment.

18 (15) “Interested person” means an individual rights or relationship could
19 be affected by the action, including a representative of the vulnerable adult;
20 Adult Protective Services staff; the Commissioner of Disabilities, Aging, and
21 Independent Living; or the Commissioner’s designee.

1 (16) “Investigative summary report” means the document that
2 summarizes the investigation conducted by Adult Protective Services and
3 includes a recommendation to substantiate or unsubstantiate the investigated
4 allegations against the alleged perpetrator.

5 (17) “Lewd or lascivious conduct” means the same as in 13 V.S.A.
6 § 1375.

7 (18) “Mandatory reporter” means an individual with an obligation to
8 report allegations of maltreatment of vulnerable adults pursuant to 6903 of this
9 title.

10 (19) “Maltreatment” means abuse, neglect, or exploitation as defined in
11 this section. “Maltreatment” does not include self-neglect.

12 (20)(A) “Neglect” means purposeful or, knowing, reckless, or
13 negligent failure or omission by a caregiver that has resulted in, or could be
14 expected to result in, physical or psychological harm, including a failure or
15 omission to:

16 (i) provide care or arrange for goods or services necessary to
17 maintain the health or safety of a vulnerable adult, including food, clothing,
18 medicine, shelter, supervision, and medical services, unless the caregiver is
19 acting pursuant to the wishes of the vulnerable adult or ~~his or her~~ the
20 vulnerable adult’s representative, or an advance directive, as defined in 18
21 V.S.A. § 9701;

1 (ii) make a reasonable effort, in accordance with the authority
2 granted the caregiver, to protect a vulnerable adult from abuse, neglect, or
3 exploitation by others;

4 (iii) carry out a plan of care for a vulnerable adult ~~when such~~
5 ~~failure results in or could reasonably be expected to result in physical or~~
6 ~~psychological harm or a substantial risk of death to the vulnerable adult~~, unless
7 the caregiver is acting pursuant to the wishes of the vulnerable adult or ~~his or~~
8 ~~her~~ the vulnerable adult's representative, or an advance directive, as defined in
9 18 V.S.A. § 9701; or

10 (iv) report significant changes in the health status of a vulnerable
11 adult to a physician, nurse, or immediate supervisor, when the caregiver is
12 employed by an organization that offers, provides, or arranges for personal
13 care.

14 (B) Neglect ~~may be repeated conduct or a single incident that has~~
15 ~~resulted in or could be expected to result in physical or psychological harm, as~~
16 ~~a result of subdivision (A)(i), (ii), or (iii) of this subdivision (7) does not~~
17 include self-neglect.

18 (8)(21) “Plan of care” ~~includes a duty~~ means a provider's medically
19 approved plan of treatment, protocol, individual care plan, rehabilitative plan,
20 plan to address activities of daily living, or similar procedure describing the

1 care, treatment, or services ~~to be provided~~ to address a vulnerable adult’s
2 physical, psychological, or rehabilitative needs.

3 (9)(22) “Protective services” means services, action actions, measures,
4 or intervention interventions that ~~will,~~ are intended, through voluntary
5 agreement or through appropriate court action, to prevent further neglect,
6 abuse, or exploitation of a vulnerable adult. Such services may include
7 supervision, guidance, counseling, referrals, petitioning for relief from abuse or
8 petitioning for the appointment of a guardian, and, when necessary, assistance
9 in the securing of safe and sanitary living accommodations. However, nothing
10 in this chapter gives the Commissioner authority to place the vulnerable adult
11 in a State school or hospital, except pursuant to 18 V.S.A. chapter 181 or 206.

12 (23) “Provider” means an individual, organization, or entity that
13 provides care to persons adults known to be vulnerable.

14 (24) “Recommendation for substantiation” means that an investigation
15 has been conducted and the Adult Protective Services investigator has
16 concluded that the preponderance of the evidence discovered in the course of
17 the investigation would lead a reasonable person to believe that the alleged
18 perpetrator abused, neglected, or exploited the vulnerable adult.

19 (25) “Report” means the statements provided to Adult Protective
20 Services from a reporter alleging that a vulnerable adult has been abused,
21 neglected, or exploited.

1 (26) “Reporter” means the person who has submitted a report to Adult
2 Protective Services.

3 (40)(27) “Representative” means a court-appointed guardian, or an
4 agent acting under an advance directive executed pursuant to 18 V.S.A.
5 chapter 231, or an agent under a power of attorney, unless otherwise specified
6 in the terms of the advance directive power of attorney.

7 (28)(A) “Self-neglect” means an adult’s inability, due to physical or
8 mental impairment or diminished capacity, to perform essential self-care tasks
9 including:

10 (i) obtaining essential food, clothing, shelter, and medical care;

11 (ii) obtaining goods and services necessary to maintain physical
12 health, mental health, or general safety; or

13 (iii) managing one’s own financial affairs.

14 (B) The term “self-neglect,” which is not maltreatment by another
15 and is distinct from the definition of “neglect,” excludes individuals who make
16 a conscious and voluntary choice not to provide for certain basic needs as a
17 matter of lifestyle, personal preference, or religious belief and who understand
18 the consequences of their decision.

19 (44)(29) “Sexual activity” means a sexual act as defined in 13 V.S.A.
20 § 3251; or lewd and lascivious conduct other than appropriate medical care or
21 personal hygiene, or lewd and lascivious conduct.

1 ~~(12)~~(30) “Substantiated ~~report~~” means that the Commissioner or the
2 Commissioner’s designee has determined, after the investigation, that a report
3 ~~is based upon accurate and reliable information that would lead a reasonable~~
4 ~~person to believe~~ demonstrates, by a preponderance of the evidence, that the
5 vulnerable adult has been abused, neglected, or exploited by the alleged
6 perpetrator.

7 (31) “Unsubstantiated” means that an investigation has been conducted
8 without a recommendation of substantiation. “Unsubstantiated” does not
9 imply that maltreatment of a vulnerable adult by an alleged perpetrator did or
10 did not occur. Reasons for unsubstantiation include:

11 (A) the Adult Protective Services investigator’s conclusion that the
12 preponderance of the evidence would not lead a reasonable person to believe
13 that the alleged perpetrator had abused, neglected, or exploited the vulnerable
14 adult;

15 (B) evidence that the alleged victim is not vulnerable;

16 (C) evidence that maltreatment did not occur; or

17 (D) a lack of sufficient evidence to demonstrate that the alleged
18 victim meets the definition of a vulnerable adult or that maltreatment occurred.

19 ~~(13)~~(32) “Volunteer” means an individual who, without compensation,
20 provides services through a private or public organization.

1 (14)(33) “Vulnerable adult” means any person 18 years of age or older

2 who:

3 (A) within 30 days after an alleged incident:

4 (i) is was a resident of a facility required to be licensed under
5 chapter 71 of this title;

6 (ii) was determined eligible to receive Long-Term Care Medicaid
7 waiver services; or

8 (B)(iii) is was a resident of a psychiatric hospital or a psychiatric unit
9 of a hospital;

10 (C)(B) has been was receiving assistance with personal care services
11 for more than one month from a designated home health agency certified by
12 ~~the Vermont Department of Health~~ or from a person or organization that offers,
13 provides, or arranges for personal care; or

14 (D)(C) regardless of residence or whether any type of service is
15 received, has a physical, mental, or developmental disability, infirmities as a
16 result of is impaired due to brain damage or a mental condition, or infirmities
17 of aging; ~~mental condition, or physical, psychiatric, or developmental disability~~
18 resulting in:

19 (i) ~~that results in some~~ impairment of the individual’s ability to
20 ~~provide for his or her own care without assistance, including the provision of~~
21 ~~food, shelter, clothing, health care, supervision, or management of finances~~

1 independently engage in activities of daily living or instrumental activities of
2 daily living or to provide for some aspect of the adult’s own personal care
3 without assistance; or

4 (ii) ~~because of the disability or infirmity, the individual has an~~
5 ~~impaired~~ some impairment of the adult’s ability to protect himself or herself
6 the adult from abuse, neglect, or exploitation.

7 § 6903. REPORTING SUSPECTED ABUSE, NEGLECT, AND
8 EXPLOITATION OF VULNERABLE ADULTS

9 (a) ~~(1)~~ Any of the following, other than a crisis worker acting pursuant to 12
10 V.S.A. § 1614 and the State Long-Term Care Ombudsman or a representative
11 of the Office, as defined in section 7501 of this title, who knows of or has
12 received information of abuse, neglect, or exploitation of a vulnerable adult or
13 who has reason to suspect that any vulnerable adult has been abused,
14 neglected, or exploited shall report ~~or cause a report to be made~~ in accordance
15 with the provisions of section 6904 of this title within ~~48 hours~~ two business
16 days after concluding that a report is required: ~~of~~

17 ~~(4)~~ all employees, contractors, and grantees of the Agency of Human
18 Services who are involved in caregiving, or volunteers who directly provide
19 health care, law enforcement, caregiving, counseling, education, ~~banking crisis~~
20 worker, or social services to vulnerable adults.

1 ~~(2) a physician, osteopath, chiropractor, physician assistant, nurse,~~
2 ~~medical examiner, licensed nursing assistant, emergency medical services~~
3 ~~personnel, dentist, or psychologist;~~

4 ~~(3) a school teacher, school librarian, school administrator, school~~
5 ~~guidance counselor, school aide, school bus driver, or school employee or~~
6 ~~school contractor who works regularly with students;~~

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

14 ~~(5) a hospital, nursing home, residential care home, home health agency,~~
15 ~~or any entity providing nursing or nursing-related services for remuneration;~~
16 ~~intermediate care facility for adults with developmental disabilities; therapeutic~~
17 ~~community residence, group home, developmental home, school or contractor~~
18 ~~involved in caregiving; or an operator or employee of any of these facilities or~~
19 ~~agencies.~~

20 (b) Any other concerned person not listed in subsection (a) of this section
21 who knows of or has received a complaint of abuse, neglect, or exploitation of

1 a vulnerable adult or who has reason to suspect that any vulnerable adult has
2 been abused, neglected, or exploited may report or cause a report to be made in
3 accordance with the provisions of section 6904 of this title.

4 ~~(e)~~(b) The identity of a person who makes a report under this section shall
5 be kept confidential unless:

6 (1) the person making the report consents to disclosure;

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

8 (3) a court, after a hearing, finds probable cause to believe the report
9 was not made in good faith and orders the Department to disclose the person's
10 identity; or

11 (4) the reporter is listed in subdivision (a)(1) of this section, in which
12 case the reporter's information may be shared with other investigative bodies
13 as necessary to conduct the investigation.

14 § 6904. NATURE AND CONTENT OF REPORT; TO WHOM MADE

15 A report shall be made ~~orally or in writing~~ to the Commissioner or the
16 Commissioner's designee as soon as possible, but in no event later than 48
17 hours thereafter. The report may also be made to a law enforcement officer. If
18 an oral report is made by telephone or otherwise, the Commissioner or
19 designee shall request that it be followed within one week by a report in
20 writing. Reports shall contain To be considered a report to the Commissioner
21 or designee it shall contain the name and address of the reporter as well as the

1 names and addresses of the vulnerable adult and persons responsible for ~~his or~~
2 ~~her~~ the vulnerable adult's care, if known; the age of the vulnerable adult; the
3 nature of ~~his or her~~ the vulnerable adult's disability; the nature and extent of
4 the vulnerable adult's abuse, neglect, or exploitation together with any
5 evidence of previous abuse, neglect, or exploitation of the vulnerable adult;
6 and any other information that the reporter believes might be helpful in
7 establishing the cause of any injuries or reasons for the abuse, neglect, or
8 exploitation as well as in protecting the vulnerable adult. If the reporter is in
9 possession of documentation that establishes the alleged victim's conditions,
10 needs, or services, that shall be included in the report. Any evidence of
11 maltreatment shall also be cited in the report. If a report of abuse, neglect, or
12 exploitation involves the acts or omissions of the Commissioner or employees
13 of ~~that the~~ Department, then such reports shall be directed to the Secretary of
14 ~~the~~ Human Services, who shall cause the report to be investigated by
15 appropriate staff other than staff of the Department.

16 * * *

17 § 6906. ASSESSMENT AND INVESTIGATION

18 (a) Report of maltreatment.

19 (1) ~~The Commissioner shall cause an investigation to commence within~~
20 ~~48 hours after receipt of a report made pursuant to section 6904 of this title~~
21 Upon receipt of a report of maltreatment, the Department shall determine

1 whether the report constitutes an allegation of abuse, neglect, or exploitation as
2 defined in section 6902 of this title. The Department shall respond to reports
3 of alleged abuse, neglect, or exploitation that occurred in Vermont and to out-
4 of-State conduct when the vulnerable adult is a resident of Vermont.

5 (2) ~~The Commissioner shall keep the reporter and the alleged victim~~
6 ~~informed during all stages of the investigation, and shall:~~

7 (A) ~~Notify the reporter, the victim, and the victim's legal~~
8 ~~representative, if any, in writing if Adult Protective Services or the Division of~~
9 ~~Licensing and Protection decides not to investigate the report. The notification~~
10 ~~shall be provided within five business days after the decision is made and shall~~
11 ~~inform the reporter that he or she may ask the Commissioner to review the~~
12 ~~decision.~~

13 (B) ~~Notify the reporter, the victim, and the victim's legal~~
14 ~~representative, if any, in writing if Adult Protective Services or the Division of~~
15 ~~Licensing and Protection refers the report to another agency. The notification~~
16 ~~shall be provided within five business days after the referral is made.~~

17 (C) ~~Notify the reporter, the victim, and the victim's legal~~
18 ~~representative, if any, in writing of the outcome of the investigation. The~~
19 ~~notification shall be provided within five business days after the decision is~~
20 ~~made and shall inform the reporter that he or she may ask the Commissioner to~~
21 ~~review the decision~~ **If notification is made to the Commissioner or designee**

1 and is accepted as a report of abuse, neglect, or exploitation of a vulnerable
2 adult, the The Department shall determine whether to conduct an assessment or
3 an investigation, as provided for in this section, or whether to screen out the
4 report. An assessment may be used to determine whether an investigation is
5 necessary. The Department shall begin either an assessment or an
6 investigation within one business day in all cases in which the alleged victim
7 has experienced a life-threatening or severe injury; requires hospitalization as a
8 result of maltreatment; was the alleged victim of sexual abuse; or is
9 experiencing ongoing harm. The Department shall initiate an assessment or an
10 investigation within two business days after the day of the receipt of all other
11 accepted reports made pursuant to section 6904 of this title. The Department
12 shall collect the following demographic information about the alleged victim
13 and alleged perpetrator, if available, if an assessment or investigation is
14 opened: gender, race, age, ethnicity, sexual orientation, gender identity, and
15 disability status.

16 (3) The decision to conduct an assessment shall include consideration of
17 the following factors:

18 (A) the severity of any alleged maltreatment and any injuries;

19 (B) the relationship between the alleged victim and alleged
20 perpetrator; and

21 (C) the known history of the report; and

1 (D) the detail and specificity of information provided in the report
2 regarding the alleged victim’s vulnerability and the alleged maltreatment.

3 (4) The Department shall investigate when an accepted report involves
4 allegations indicating serious maltreatment or going risk of harm to the alleged
5 victim. The Department may investigate any report of maltreatment Adult
6 Protective Services receives.

7 (5) The Department shall begin an immediate investigation if, at any time
8 during an assessment, it appears that an investigation is appropriate.

9 (6) To the extent permitted by law, the Department may collaborate with
10 law enforcement, health care and service providers, and other departments and
11 agencies in Vermont and other jurisdictions to evaluate the risk to the
12 vulnerable adult and may enter into reciprocal agreements with law
13 enforcement, other departments and agencies, and other jurisdictions to further
14 the purposes of this section. In no event shall the Department disclose
15 information to other divisions, departments, or agencies unless such a
16 disclosure is necessary to further the express purpose of this section.

17 (b) Assessment. The investigation shall include, except where inclusion
18 would jeopardize the health, welfare, or safety of the vulnerable adult:

19 (1) a visit to the reported victim’s place of residence or place of custody
20 and to the location of the reported abuse, neglect, or exploitation;

1 ~~(2) interviews with any available witnesses to the alleged abuse, neglect,~~
2 ~~or exploitation;~~ An assessment, to the extent that is reasonable under the facts
3 and circumstances provided in a report, shall include the following:

4 ~~(3)(A)~~ an interview with the reporter of the alleged abuse, neglect, or
5 ~~exploitation and the alleged victim, which shall focus on ensuring the~~
6 immediate safety of the alleged victim and mitigating the future risk of harm to
7 the alleged victim in the current environment;

8 ~~(4) an interview with the reported victim, which interview may take~~
9 ~~place without the approval of the vulnerable adult's parents, guardian, or~~
10 ~~caregiver, but cannot take place over the objection of the reported victim; and~~

11 ~~(5) an opportunity for the person who allegedly abused, neglected, or~~
12 ~~exploited to be interviewed.~~

13 (B) a determination as to whether the alleged victim meets the
14 definition of a vulnerable adult and whether the allegations, if true, meet the
15 statutory definition of abuse, neglect, or exploitation, or any combination
16 thereof; and

17 (C) in collaboration with the alleged victim, the identification of
18 resources and protective service needs that reduce the risk of future abuse,
19 neglect, or exploitation and improve or restore the care and safety of the
20 alleged victim.

1 (2) Services offered during or at the conclusion of an assessment can
2 only be implemented through voluntary agreement or court action.

3 (3) If the assessment is closed without resulting in an investigation,
4 there shall be no finding of abuse, neglect, or exploitation, and no indication of
5 the intervention shall be placed in the Registry. However, the Department
6 shall document the outcome of the assessment.

7 (4) The Department shall provide written notice to the victim of the
8 outcome of the assessment

9 (c) Investigation. ~~Upon completion of the investigation, a written report~~
10 ~~describing all evidence obtained and recommending a finding of substantiated~~
11 ~~or unsubstantiated shall be submitted to the Commissioner or designee for final~~
12 ~~resolution. If the recommendation is for a finding of substantiated the person~~
13 ~~shall be given notice of the recommendation, and the evidence that forms the~~
14 ~~basis of the recommendation, and shall be notified of how a substantiated~~
15 ~~report might be used. The person shall be offered an opportunity to dispute the~~
16 ~~recommendation and may, within 15 days of notification, request an~~
17 ~~administrative hearing in front of the Commissioner or designee. Following~~
18 ~~the hearing, or if no hearing is requested within 15 days of notification, the~~
19 ~~Commissioner or designee shall make a finding of substantiated or~~
20 ~~unsubstantiated, and notify the person of the decision and of the right to~~
21 ~~appeal.~~

1 ~~(d) Within 30 days of notification that a report has been substantiated, a~~
2 ~~person against whom a complaint has been lodged may apply to the Human~~
3 ~~Services Board for relief on the grounds that it is unsubstantiated. The Board~~
4 ~~shall hold a fair hearing under 3 V.S.A. § 3091. Unless the Commissioner~~
5 ~~agrees otherwise, the fair hearing shall be given priority by the Board and an~~
6 ~~expedited hearing shall be provided, with a decision issued promptly~~
7 ~~thereafter.~~

8 ~~(e) If a report is found to be unsubstantiated, the records shall be retained~~
9 ~~as part of the confidential records of the Department of Disabilities, Aging, and~~
10 ~~Independent Living. If no court proceeding is brought pursuant to subdivision~~
11 ~~6903(c)(3) of this title within six years of the date of the notice to the person~~
12 ~~against whom the complaint was lodged, the records relating to the~~
13 ~~unsubstantiated report shall be destroyed after notice to such person, unless he~~
14 ~~or she requests that the records not be destroyed.~~

15 ~~(f) If an appeal is filed pursuant to subsection (d) of this section or to a~~
16 ~~court, the name of the individual shall not be added to the Registry until a~~
17 ~~substantiated finding of abuse, neglect, or exploitation becomes final.~~

18 ~~(1) The Department shall cause an investigation to commence within~~
19 ~~two business days after a report is accepted for investigation.~~

20 ~~(2) The Department shall:~~

1 (A) Notify the reporter in writing if Adult Protective Services decides
2 not to investigate or to conduct an assessment of the report. The notification
3 shall be provided within five business days after the decision is made and shall
4 inform the reporter that the reporter may ask the Commissioner to review the
5 decision.

6 (B) Notify the alleged victim, and the alleged victim’s representative,
7 if any, in writing of the outcome of the investigation. The notification shall be
8 provided within five business days after the decision has been made and shall
9 inform the alleged victim or the alleged victim’s representative that the alleged
10 victim or the alleged victim’s representative may ask the Commissioner to
11 review the decision.

12 (2) The investigation shall include, except where inclusion would
13 jeopardize the health, welfare, or safety of the vulnerable adult:

14 (A) An interview with the alleged victim, which may take place
15 without the approval of the alleged victim’s parents, guardian, or caregiver, but
16 cannot take place over the objection of the alleged victim.

17 (B) An opportunity for the person who allegedly abused, neglected,
18 or exploited the alleged victim to be interviewed. If the person declines to be
19 interviewed, either through given notice or failure to respond, the ~~person will~~
20 alleged perpetrator shall be notified that their declination may be noted in the
21 investigation and may be taken into account in any potential appeal process.

1 (3) Upon completion of the investigation, a written report the
2 investigative summary describing pertinent evidence obtained during the
3 course of the investigation and recommending a substantiation or
4 unsubstantiation shall be submitted to the Commissioner or designee for final
5 resolution. Prior to substantiation, the Department shall interview the alleged
6 perpetrator unless the alleged perpetrator declines. This report will The
7 investigative summary shall include a recommendation of whether placement
8 on the Registry is appropriate. If the recommendation is for substantiation, the
9 alleged perpetrator shall be given written notice by certified mail of the
10 recommendation and a summary of the evidence that forms the basis of the
11 recommendation and shall be notified of any remedial options that may exist
12 and how a substantiated report might be used. The alleged perpetrator may
13 seek an administrative review of the Department’s intention to place the
14 alleged perpetrator’s name on the Registry by notifying the Department within
15 14 calendar days after the date listed on the Department’s notice of the right to
16 an administrative review. The Commissioner may grant an extension past the
17 14-day period for good cause, not to exceed 28 calendar days after the date
18 listed on the Department’s notice.

19 (4) The administrative review of the Department’s intention to impose
20 penalties or to place the alleged perpetrator’s name on the Registry substantiate
21 may be stayed if there is a related case pending in the Criminal or Family

1 Division of the Superior Court that arose out of the same incident of abuse,
2 neglect, or exploitation that resulted in the recommendation for substantiation.
3 During the period the administrative review is stayed, if the Department's
4 intent is to place the alleged perpetrator's name on the Registry, the alleged
5 perpetrator's name shall be added it shall add the alleged perpetrator's name to
6 the Registry with a notation that the case is pending. Upon resolution of the
7 Superior Court criminal or family case, the alleged perpetrator may exercise
8 the alleged perpetrator's right to review under this section by notifying the
9 Department in writing within 28 calendar days after the related court case,
10 including any appeals, has been fully adjudicated. If the alleged perpetrator
11 fails to notify the Department within 28 calendar days, the Department's
12 decision shall become final, and no further review under this subsection is
13 required.

14 (A) The Department shall hold an administrative review within 28
15 calendar days after receipt of the request for review. At least 10 14 calendar
16 days prior to the administrative review, the Department shall provide to the
17 alleged perpetrator requesting an administrative review the following: a copy
18 of the relevant portions of the investigation file, excluding privileged and
19 confidential information, that form the basis of Adult Protective Services'
20 recommendation the redacted investigation file, which means only the portion
21 of the investigation file relevant to an Adult Protective Services

1 recommendation, redacted as necessary to minimize disclosure of any
2 confidential information; notice of time and place of the administrative review;
3 and administrative review procedures, including information that may be
4 submitted and mechanisms for providing information. ~~There shall be no~~
5 subpoena power to compel witnesses to attend an administrative review.

6 (B) At the administrative review, the alleged perpetrator who
7 requested the review shall be provided with the opportunity to present
8 documentary evidence or other information that supports the alleged
9 perpetrator’s position and provides information to the reviewer in making the
10 most accurate decision regarding the allegation. In determining the weight to
11 be given any such evidence or information, the administrative reviewer shall
12 consider whether the alleged perpetrator had an opportunity to present the
13 evidence or information to the investigator during the investigation and, if so,
14 the reasons for the failure to present the evidence or information at that time.
15 The Department shall have the burden of proving that, based upon a
16 preponderance of evidence, it concluded that a reasonable person would
17 believe that the vulnerable adult has been abused, neglected, or exploited by
18 that alleged perpetrator. ~~Either party may request that the~~ ~~The administrative~~
19 review shall be held ~~by teleconference~~ remotely by telephone or through
20 electronic means by mutual agreement of the parties.

1 (C) The Department shall establish an administrative case review unit
2 within the Department and may contract for the services of administrative
3 reviewers. An administrative reviewer shall be a neutral and independent
4 arbiter who has no prior involvement in the original investigation of the
5 allegation.

6 (5) Within seven calendar days after the completed review, the
7 administrative reviewer shall:

8 (A) reject the Department’s recommendation of substantiation;

9 (B) accept the Department’s recommendation of substantiation; or

10 (C) defer any recommendation and direct the Department to further
11 investigate upon the recommendation of the administrative reviewer.

12 (6) If the administrative reviewer accepts the Department’s
13 recommendation of substantiation, a Registry record shall be made within two
14 business days. If the administrative reviewer rejects the Department’s
15 recommendation of substantiation, no Registry record shall be made.

16 (7) Within seven calendar days of the decision to reject or accept the
17 recommendation of substantiation or to defer the substantiation in accordance
18 with subdivision (5) of this subsection, the administrative reviewer shall
19 provide notice to the alleged perpetrator of the administrative reviewer’s
20 decision. If the administrative reviewer accepts the Department’s
21 recommendation of substantiation, the notice shall advise the alleged

1 perpetrator of the right to appeal the administrative reviewer’s decision to the
2 Human Services Board.

3 **(8)(A)** If no administrative review is requested, the Department’s
4 recommendation in the case shall be final, and the alleged perpetrator shall
5 have no further right of review under this section.

6 **(B)** The Commissioner may grant ~~a waiver~~ **an exception** and permit
7 such **an administrative** review upon good cause shown. Good cause may
8 include an acquittal or dismissal of a criminal charge arising from the incident
9 of abuse, neglect, or exploitation.

10 **(9)** In exceptional circumstances, the Commissioner, in the
11 Commissioner’s sole and nondelegable discretion, may reconsider any decision
12 made by **an administrative** reviewer. A Commissioner’s decision that imposes
13 a penalty or creates a Registry record may be appealed to the Human Services
14 Board.

15 **(10)** Within 30 calendar days after the date of the notice advising that a
16 report has been substantiated, an alleged perpetrator against whom a complaint
17 has been lodged may apply to the Human Services Board for relief on the
18 grounds that it is unsubstantiated. The Human Services Board shall hold a fair
19 hearing under 3 V.S.A. § 3091. Unless the Commissioner agrees otherwise,
20 the hearing shall be given priority by the Human Services Board, and an
21 expedited hearing shall be provided, not later than 30 calendar days after the

1 date of the notice advising that a report has been substantiated, and a decision
2 shall be issued within seven calendar days after the hearing.

3 (11) If a report is found to be unsubstantiated, the records shall be
4 retained as part of the confidential records of the Department of Disabilities,
5 Aging, and Independent Living. If no court proceeding is brought pursuant to
6 section 6903 of this title within six years following the date of the notice to the
7 alleged perpetrator against whom the complaint was lodged, the records
8 relating to the unsubstantiated report may be destroyed.

9 ~~(g)~~ (12) If the Human Services Board ~~or a court~~ reverses a substantiated
10 finding, the Commissioner shall remove all information ~~in accordance with~~
11 ~~subsection (e) of this section~~ from the Adult Abuse Registry.

12 ~~(h)~~ (13)(A) When a final determination has been made, the Commissioner
13 shall inform the vulnerable adult or ~~his or her~~ the vulnerable adult's
14 ~~representative, the reporter, and, if the report is substantiated, the current~~
15 ~~employer of the individual, of the outcome of the investigation and any~~
16 ~~subsequent proceedings~~ in writing.

17 (B) When a final determination of substantiation has been made, the
18 Department shall also inform the perpetrator's current employer, if known, in
19 writing of the outcome of the investigation and any subsequent proceedings.

20 § 6907. REMEDIAL ACTION

1 (a) ~~Coordinated treatment plan~~ Protective services. If the investigation
2 produces evidence that the vulnerable adult has been abused, neglected, or
3 exploited, ~~the Commissioner shall arrange for the provision of protective~~
4 ~~services in accordance with a written coordinated treatment plan and protective~~
5 ~~measures~~ services are not in place, the Department shall pursue available
6 protective ~~measures or~~ services.

7 (b) Consent to services.

8 (1) Protective services shall be provided only with the consent of the
9 vulnerable adult, ~~his or her~~ the vulnerable adult's guardian, agent under power
10 of attorney, or agent under advance directive, or through appropriate court
11 action. If the vulnerable adult does not consent, protective services shall not be
12 provided, unless provision of protective services is court-ordered.

13 (2)(A) In the event that the vulnerable adult's guardian is the person
14 responsible for the abuse, neglect, or exploitation, and the guardian does not
15 consent to the investigation or receipt of protective services, the Commissioner
16 may petition for removal of the guardian refuses consent to the investigation or
17 the alleged victim's protective services, the investigator may seek review of
18 the guardian's refusal by filing a motion with the Probate Division of the
19 Superior Court pursuant 14 V.S.A. § 3062(c).

20 (B) In the event that the vulnerable adult's agent under power of
21 attorney is the person responsible for the abuse, neglect, or exploitation, and

1 the agent refuses to consent to the investigation or the alleged victim's
2 protective services, the investigator may seek review of the agent's refusal by
3 filing a petition in Superior Court pursuant to 14 V.S.A. § 3510(b).

4 (C) In the event that the vulnerable adult's agent under advance
5 directive is the person responsible for the abuse, neglect, or exploitation, and
6 the agent does not consent to the investigation or the receipt of protective
7 services, the investigator may file a petition in Probate Court pursuant to 18
8 V.S.A. § 9718 to seek review under subdivision (b)(3) of that section as to
9 whether the refusal is consistent with the authority granted to the agent in the
10 advance directive.

11 (3) Failure to consent to protective services, either by the vulnerable
12 adult or the vulnerable adult's guardian, agent under power of attorney, or
13 agent under advance directive shall not automatically end an investigation of
14 an alleged perpetrator.

15 * * *

16 § 6909. RETALIATORY ACTION BY EMPLOYER PROHIBITED

17 No employer or supervisor may discharge; demote; transfer; reduce pay,
18 benefits, or work privileges; prepare a negative work performance evaluation;
19 or take any other action detrimental to any employee who files a good faith
20 report in accordance with the provisions of this chapter, by reason of the
21 report. Any person making a report under this chapter shall have a civil cause

1 of action for appropriate compensatory and punitive damages against any
2 person who causes detrimental changes in the employment status of the
3 reporting party by reason of ~~his or her~~ making a report. Nothing in this section
4 grants immunity to a person reporting the person's own perpetration of
5 maltreatment.

6 § 6910. INTERFERENCE BY CAREGIVER

7 If consent to receive protective services has been obtained in accordance
8 with section 6907 of this title and the Commissioner has reasonable cause to
9 believe that the caregiver is interfering with the provision of those protective
10 services, the ~~Commissioner~~ Department may petition the Superior Court for an
11 order enjoining the caregiver from interfering with the provision of protective
12 services. The petition shall present facts to show that the vulnerable adult is in
13 need of protective services, that ~~he or she or his or her~~ the vulnerable adult or
14 the vulnerable adult's guardian representative consents to the receipt of
15 protective services, and that the caregiver has interfered with the provision of
16 protective services. If the court, after hearing, finds that the vulnerable adult
17 requires and consents to protective services, and has been prevented by ~~his or~~
18 ~~her~~ the vulnerable adult's caregiver from receiving protective services, the
19 court may issue an order enjoining the caregiver from further interference. ~~The~~
20 ~~court may modify the terms of the coordinated treatment plan.~~

21 § 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

1 (a) Access to records.

2 (1) ~~Information obtained through reports and investigations, including~~
3 ~~the identity of the reporter, shall remain confidential and shall not be released~~
4 ~~absent a court order, except as follows:~~ The Department’s Adult Protective
5 Services shall have access to any records or documents, including client-
6 identifying information, financial records, and medical and psychological
7 records, necessary to the performance of the Department’s or Program’s duties
8 under this chapter. The duties include the investigation of abuse, neglect, or
9 exploitation or the provision of services to a vulnerable adult. A person,
10 agency, or institution that has a record or document that the Department needs
11 to perform its duties under this chapter shall, without unnecessary delay, make
12 the record or document available to the Department. Providing access to
13 records relevant to an investigation by the Department or law enforcement
14 under this provision will shall not be deemed a violation of any confidential
15 communication privilege. Access to any records that would violate attorney-
16 client privilege shall not be provided without a court order. For the purposes
17 of this subsection, “financial records” does not include records developed or
18 maintained by the Department of Financial Regulation.

19 (2) The Department is exempt from the payment of a fee otherwise
20 required or authorized by law to obtain a financial record from a person,
21 agency, or institution or a medical record, including a mental health record,

1 from a hospital or health care provider if the request for a record is made in the
2 course of an investigation by the Department.

3 (3) If the Department cannot obtain access to a record or document that
4 is necessary to properly investigate or to perform another duty under this
5 chapter, the Department may petition the Superior Court for access to the
6 record or document.

7 (4) On good cause shown, the court shall order the person, agency, or
8 institution in possession or control of a record or document to allow the
9 Department to have access to that record or document under the terms and
10 conditions prescribed by the court.

11 (5) A person, agency, or institution in possession or control of a
12 requested record or document is entitled to notice and a hearing on a petition
13 filed under this section.

14 (6) Access to a confidential record under this section does not constitute
15 a waiver of confidentiality.

16 (b) Confidentiality of reports and documents.

17 (1)(A)(i) ~~The investigative report~~ Information obtained through reports
18 to and assessments and investigations conducted by the Department, including
19 the identity of the reporter, shall be confidential and shall not be released
20 absent a court order, except the final investigative summary report shall be
21 disclosed only to:

1 ~~(I)~~(i) the Commissioner or person designated to receive such
2 records;

3 ~~(II)~~(ii) persons assigned by the Commissioner to investigate
4 reports;

5 ~~(III)~~(iii) the ~~person reported to have abused, neglected, or~~
6 ~~exploited a vulnerable adult alleged perpetrator;~~

7 ~~(IV)~~(iv) the vulnerable adult or ~~his or her~~ the vulnerable adult's
8 representative;

9 ~~(V)~~(v) the Office of Professional Regulation when deemed
10 appropriate by the Commissioner;

11 ~~(VI)~~(vi) the Secretary of Education when deemed appropriate
12 by the Commissioner;

13 ~~(VII)~~(vii) the Commissioner for Children and Families or
14 designee for purposes of review of expungement petitions filed pursuant to
15 section 4916c of this title;

16 ~~(VIII)~~(viii) the Commissioner of Financial Regulation when
17 deemed appropriate by the Commissioner for an investigation related to
18 financial exploitation;

19 ~~(IX)~~(ix) a law enforcement agency; and

20 ~~(X)~~(x) the State's Attorney, or the Office of the Attorney
21 General, when the Department believes there may be grounds for criminal

1 prosecution or civil enforcement action, or in the course of a criminal or a civil
2 investigation.

3 ~~(ii)~~(B) When disclosing information pursuant to this subdivision,
4 reasonable efforts shall be made to limit the information to the minimum
5 necessary to accomplish the intended purpose of the disclosure, and no other
6 information, including the identity of the reporter, shall be released absent a
7 court order.

8 ~~(B)~~(2) Relevant information may be disclosed to the Secretary of
9 Human Services, or the Secretary's designee, for the purpose of remediating or
10 preventing abuse, neglect, or exploitation; to assist the Agency in its
11 monitoring and oversight responsibilities; and in the course of a relief from
12 abuse proceeding, guardianship proceeding, or any other court proceeding
13 when the Commissioner deems it necessary to protect the victim, and the
14 victim or ~~his or her~~ the victim's representative consents to the disclosure.

15 When disclosing information pursuant to this subdivision, reasonable efforts
16 shall be made to limit the information to the minimum necessary to accomplish
17 the intended purpose of the disclosure, and no other information, including the
18 identity of the reporter, shall be released absent a court order. Disclosures
19 necessary to conduct Adult Protective Services investigations or to make
20 referrals to law enforcement agencies, or to divisions or grantees of the
21 Department, shall be permitted, but reasonable efforts shall be made to limit

1 the information to the minimum necessary to accomplish the intended purpose
2 of the disclosure.

3 (3) Notwithstanding subdivision (a)(1) of this section, financial
4 information made available to an adult protective services investigator
5 pursuant to this section may be used only in a judicial or administrative
6 proceeding or investigation directly related to a report required or authorized
7 under this chapter. Relevant information may be disclosed to the Secretary of
8 Human Services, pursuant to subdivision (2) of this subsection.

9 ~~(C) Relevant information may be disclosed to a Family Division of~~
10 ~~the Superior Court, upon the request of that court, in any proceeding in which:~~

11 ~~(i) a parent of a child challenges a presumption of parentage under~~
12 ~~15C V.S.A. § 402(b)(3); or~~

13 ~~(ii) a parent of a child contests an allegation that he or she fostered~~
14 ~~or supported a bonded and dependent relationship between the child and a~~
15 ~~person seeking to be adjudicated a de facto parent under 15C V.S.A. §~~
16 ~~501(a)(2).~~

17 ~~(2) Notwithstanding subdivision (1)(A) of this subsection, financial~~
18 ~~information made available to an adult protective services investigator~~
19 ~~pursuant to section 6915 of this title may be used only in a judicial or~~
20 ~~administrative proceeding or investigation directly related to a report required~~
21 ~~or authorized under this chapter. Relevant information may be disclosed to the~~

1 ~~Secretary of Human Services pursuant to subdivision (1)(B) of this subsection,~~
2 ~~and may also be disclosed to the Commissioner of Financial Regulation when~~
3 ~~the investigation relates to financial exploitation of a vulnerable adult~~

4 ~~(b)(c)~~ The Commissioner Department shall maintain a registry of
5 substantiated providers caregivers that shall contain the following information:

6 (1) the names of all the individuals found on the basis of a substantiated
7 report to have abused, neglected, or exploited a vulnerable adult; the date of
8 the finding; and the nature of the finding. In addition, the Commissioner shall
9 require that, aside from a person's name, at least one other personal identifier
10 is listed in the Registry to prevent the possibility of misidentification

11 individuals who regularly work with or interact with vulnerable adults, to
12 include employees, volunteers, guardians, representatives, payees, power of
13 attorneys, and other professionals who are found on the basis of a substantiated
14 report to have abused, neglected, or exploited a vulnerable adult in their formal
15 role; the date and nature of the finding; and the nature of the finding;

16 (2) the names of individuals convicted of a crime pursuant to 13 V.S.A.
17 § 1383; and

18 (3) in addition, aside from a person's caregiver's name, at least one
19 other personal identifier to prevent the possibility of misidentification.

20 (e)(d) Disclosure of Registry information.

1 (1) The Commissioner or designee may disclose Registry information
2 only to:

3 (4)(A) The State’s Attorney or the Attorney General.

4 (2)(B) The public as required by the Nursing Home Reform Act of
5 1986 and regulations promulgated under the Act.

6 (3)(C) An employer if such information is used to determine whether
7 to hire or retain a specific individual providing care, custody, treatment,
8 transportation, or supervision of children or vulnerable adults. “Employer,”
9 Notwithstanding section 6902 of this chapter, “employer”, as used in this
10 section, means a person or organization who employs or contracts with one or
11 more individuals to care for or provide transportation services to children or
12 vulnerable adults, on either a paid or volunteer basis. The employer may
13 submit a request concerning a current employee, volunteer, grantee, or
14 contractor or an individual to whom the employer has given a conditional offer
15 of a contract, volunteer position, or employment. The request shall be
16 accompanied by a release signed by the current or prospective employee,
17 volunteer, grantee, or contractor. If that individual has a record of a
18 substantiated report, the ~~Commissioner~~ Department shall provide the Registry
19 information to the employer.

20 (4)(D) An individual seeking to determine if the individual’s own
21 name is on the Registry.

1 ~~(5)~~(E) A person or organization serving vulnerable adults by assisting
2 with employer functions; offering, providing, or arranging for home sharing; or
3 providing personal care services, developmental services, or mental health
4 services for vulnerable adults. The person or organization may submit a
5 request concerning an individual who has applied to provide such services or
6 an individual who is already so engaged. ~~The request shall be in writing and~~
7 ~~shall be accompanied by a release from the person applying for or already~~
8 ~~providing such services.~~ If the person has a record of a substantiated report,
9 the Commissioner shall provide the Registry information.

10 ~~(5)~~(F) The Commissioner for Children and Families or designee for
11 purposes related to:

12 ~~(A)~~(i) the licensing or registration of facilities and individuals
13 regulated by the Department for Children and Families; and

14 ~~(B)~~(ii) the Department’s child protection obligations under
15 chapters 49–59 of this title.

16 ~~(6)~~(G) The Commissioner of Health or the Commissioner’s designee
17 for purposes related to oversight and monitoring of persons who are served by
18 or compensated with funds provided by the Department of Health, including
19 persons to whom a conditional offer of employment has been made.

20 ~~(7)~~(H) Upon request or when relevant to other states’ adult protective
21 services offices.

1 ~~(8)~~(I) The Board of Medical Practice for the purpose of evaluating an
2 applicant, licensee, or holder of certification pursuant to 26 V.S.A. § 1353.

3 ~~(9)~~(J) The Secretary of Education or the Secretary’s designee, for
4 purposes related to the licensing of professional educators pursuant to
5 16 V.S.A. chapter 5, subchapter 4 and chapter 51.

6 ~~(10)~~(K) The Office of Professional Regulation for the purpose of
7 evaluating an applicant, licensee, holder of a certification, or registrant for
8 possible unprofessional conduct, where appropriate.

9 ~~(11)~~(L) A Family Division of the Superior Court upon request of that
10 court if it is involved in any proceeding in which:

11 ~~(A)~~(i) a parent of a child challenges a presumption of parentage
12 under 15C V.S.A. § 402(b)(3); or

13 ~~(B)~~(ii) a parent of a child contests an allegation that ~~he or she~~ the
14 parent fostered or supported a bonded and dependent relationship between the
15 child and a person seeking to be adjudicated a de facto parent under 15C
16 V.S.A. § 501(a)(2).

17 (2) The request for disclosure of Registry information pursuant to
18 subdivisions (1)(C), (1)(E)-(1)(G), and (1)(I)-(1)(K) shall be in writing and
19 accompanied by a release from the person applying for or already providing
20 services to children or vulnerable adults.

1 ~~(e)~~(e) An employer providing transportation services to children or
2 vulnerable adults may disclose Registry records obtained pursuant to
3 subdivision ~~(e)(3)(d)(3)~~ of this section to the Agency of Human Services or its
4 designee for the sole purpose of auditing the records to ensure compliance with
5 this chapter. An employer shall provide such records at the request of the
6 Agency or its designee. Only Registry records regarding individuals who
7 provide direct transportation services or otherwise have direct contact with
8 children or vulnerable adults may be disclosed.

9 ~~(e)~~(f) A person may, at any time, apply to the Human Services Board for
10 relief if ~~he or she~~ the person has reasonable cause to believe that the contents
11 of the Registry or investigative records are being misused.

12 ~~(f)~~(g) A person may at any time apply to the Department for expungement
13 of ~~his or her~~ the person's name from the Registry. The ~~petitioner~~ person shall
14 have the burden of showing why ~~his or her~~ the person's name should be
15 expunged from the Registry. The Department shall consider the person's
16 completion of a restorative justice process in determining whether the person's
17 name should be expunged from the Registry.

18 ~~(g)~~ Any person who violates this section shall be fined not more than
19 \$500.00.

20 ~~(h)~~ Volunteers shall be considered employees for purposes of this section.

21

* * *

1 § 6913. PENALTIES; ABUSE; NEGLECT; EXPLOITATION;

2 MANDATORY REPORTER'S FAILURE TO REPORT

3 (a) Whenever the ~~Commissioner~~ Department finds, after notice and
4 hearing, that a person has committed sexual abuse as defined in subdivision
5 6902(1)(D) of this title, ~~sexual exploitation as defined in subdivision~~
6 ~~6902(6)(D)~~, exploitation as defined in subdivision ~~6902(6)(A) or (B)~~ 6902(14)
7 in an amount in excess of \$500.00, abuse that causes grievous injury to or the
8 death of a vulnerable adult, or neglect that causes grievous injury to or the
9 death of a vulnerable adult, the Commissioner Department may impose an
10 administrative penalty of not more than ~~\$10,000.00~~ \$25,000.00 for each
11 violation. The Commissioner Department shall notify the Office of
12 Professional Regulation, or any other professional licensing board applicable
13 to the violator, of any decision made pursuant to this subsection.

14 (b) ~~Allegations that a mandated reporter has failed to make a required~~
15 ~~report shall be investigated under neglect~~ The Department shall investigate
16 allegations that a mandated reporter has failed to make a required report when
17 it appears that an investigation is appropriate. Whenever the ~~Commissioner~~
18 Department finds, after notice and hearing, that a mandatory reporter, as
19 defined in ~~subdivisions 6903(a)(1), (2), (3), (4), and (5)~~ subsection 6903(a) of
20 this title, has willfully violated the provisions of ~~subsection~~ subdivision
21 6903(a)(1), the Commissioner Department may impose an administrative

1 penalty not to exceed ~~\$500.00~~ \$1,000.00 per violation. For purposes of this
2 subsection, every 24 hours that a report is not made beyond the period for
3 reporting required by ~~subsection~~ section 6903~~(a)~~ shall constitute a new and
4 separate violation, and a mandatory reporter shall be liable for an
5 administrative penalty of not more than ~~\$500.00~~ \$1,000.00 for each 24-hour
6 period, not to exceed a maximum penalty of ~~\$5,000.00~~ \$25,000.00 per
7 reportable incident.

8 (c) Whenever the Department finds that a mandatory reporter willfully or
9 knowingly withheld information, or provided false or inaccurate information,
10 the ~~Commissioner~~ ~~Department~~ may impose an administrative penalty not to
11 exceed \$1,000.00 per violation.

12 (d) A person who is aggrieved by a decision under subsection (a)₂ ~~or~~ (b)₂
13 or (c) of this section may appeal that decision to the Superior Court₂ where
14 either party may request trial by jury.

15 § 6914. ACCESS TO CRIMINAL RECORDS

16 (a) The ~~An employer may ask the Commissioner~~ ~~Department may or the~~
17 Commissioner's designee to obtain from the Vermont Crime Information
18 Center the record of convictions of any a person to the extent that the
19 Commissioner has determined by rule that such information is necessary to
20 protect vulnerable adults ~~who is a current employee, volunteer, or contractor,~~
21 or a person to whom the employer has given a conditional offer of a contract,

1 ~~volunteer position, or employment. The request shall be in writing and shall be~~
2 ~~accompanied by a release by the current or prospective contractor, volunteer,~~
3 ~~or employee. If the person has a record of convictions, the Department shall~~
4 ~~inform the employer of the date and type of conviction~~ The Commissioner may
5 obtain from the Vermont Crime Information Center the record of convictions
6 of any person to the extent that the Commissioner has determined that such
7 information is necessary to protect vulnerable adults.

8 (b) ~~An employer may ask the Commissioner to obtain from the Vermont~~
9 ~~Crime Information Center the record of convictions of a person who is a~~
10 ~~current employee, volunteer, or contractor, or a person to whom the employer~~
11 ~~has given a conditional offer of a contract, volunteer position, or employment.~~
12 ~~The request shall be in writing and shall be accompanied by a release by the~~
13 ~~current or prospective contractor or employee. If the person has a record of~~
14 ~~convictions, the Commissioner shall inform the employer of the date and type~~
15 ~~of conviction.~~

16 (c) ~~A person or organization serving vulnerable adults by assisting with~~
17 ~~employer functions, offering, providing, or arranging for home sharing,~~
18 ~~personal care services, developmental services, or mental health services for~~
19 ~~vulnerable adults, may submit a request to the Commissioner or the~~
20 ~~Commissioner's designee Department concerning an individual who has~~
21 ~~applied to provide such services or an individual who is already so engaged.~~

1 ~~The request shall be in writing, and shall be accompanied by a release from the~~
2 ~~individual applying for or already providing such services. If the individual~~
3 ~~has a record of convictions, the Commissioner or the Commissioner's designee~~
4 ~~Department shall inform the person or organization submitting the request of~~
5 ~~the date and type of conviction.~~

6 (d) The Commissioners of Disabilities, Aging, and Independent Living, of
7 Health, and of Mental Health or their designees may, for the protection of
8 vulnerable adults or for purposes related to oversight and monitoring of
9 persons who are served by or compensated with funds provided by the
10 Departments of Disabilities, Aging, and Independent Living, of Health, and of
11 Mental Health, ask the Vermont Crime Information Center for the record of
12 convictions of a person who is a current employee, volunteer, or contractor, or
13 a person to whom the employer has given a conditional offer of a contract,
14 volunteer position, or employment. If the individual has a record of
15 convictions, the Vermont Crime Information Center shall inform the
16 appropriate ~~Commissioner, or the Commissioner's designee,~~ Department of the
17 date and type of conviction.

18 (e)(c) Information released to an employer under this section shall not be
19 released or disclosed by the employer to any person. Any person who violates
20 this subsection shall be fined not more than \$500.00.

21 (f) ~~Volunteers shall be considered employees for purposes of this section.~~

1 ~~(g) [Repealed.]~~

2 ~~§ 6915. ACCESS TO FINANCIAL INFORMATION~~

3 ~~(a) As used in this chapter:~~

4 ~~(1) “A person having custody or control of the financial information”~~

5 ~~means:~~

6 ~~(A) a bank as defined in 8 V.S.A. § 11101;~~

7 ~~(B) a credit union as defined in 8 V.S.A. § 30101;~~

8 ~~(C) a broker dealer or investment advisor, as those terms are defined~~
9 ~~in 9 V.S.A. § 5102; or~~

10 ~~(D) a mutual fund as defined in 8 V.S.A. § 3461.~~

11 ~~(2) “Capacity” means an individual’s ability to make and communicate~~
12 ~~a decision regarding the issue that needs to be decided.~~

13 ~~(3) “Financial information” means an original or copy of, or information~~
14 ~~derived from:~~

15 ~~(A) a document that grants signature authority over an account held~~
16 ~~at a financial institution;~~

17 ~~(B) a statement, ledger card, or other record of an account held at a~~
18 ~~financial institution that shows transactions in or with respect to that account;~~

19 ~~(C) a check, clear draft, or money order that is drawn on a financial~~
20 ~~institution or issued and payable by or through a financial institution;~~

1 ~~(D) any item, other than an institutional or periodic charge, that is~~
2 ~~made under an agreement between a financial institution and another person's~~
3 ~~account held at a financial institution;~~

4 ~~(E) any information that relates to a loan account or an application~~
5 ~~for a loan;~~

6 ~~(F) information pertaining to an insurance or endowment policy,~~
7 ~~annuity contract, contributory or noncontributory pension fund, mutual fund,~~
8 ~~or security, as defined in 9 V.S.A. § 5102; or~~

9 ~~(G) evidence of a transaction conducted by electronic or telephonic~~
10 ~~means.~~

11 ~~(4) "Financial institution" means any financial services provider~~
12 ~~licensed, registered, or otherwise authorized to do business in Vermont,~~
13 ~~including a bank, credit union, broker-dealer, investment advisor, mutual fund,~~
14 ~~or investment company.~~

15 ~~(b) A person having custody or control of the financial information of a~~
16 ~~vulnerable adult shall make the information or a copy of the information~~
17 ~~available to an adult protective services investigator upon receipt of a court~~
18 ~~order or receipt of the investigator's written request.~~

19 ~~(1) The request shall include a statement signed by the account holder, if~~
20 ~~he or she has capacity, or the account holder's guardian with financial powers~~

1 ~~or agent under a power of attorney consenting to the release of the information~~
2 ~~to the investigator.~~

3 ~~(2) If the vulnerable adult lacks capacity and does not have a guardian or~~
4 ~~agent, or if the vulnerable adult lacks capacity and his or her guardian or agent~~
5 ~~is the alleged perpetrator, the request shall include a statement signed by the~~
6 ~~investigator asserting that all of the following conditions exist:~~

7 ~~(A) The account holder is an alleged victim of abuse, neglect, or~~
8 ~~financial exploitation.~~

9 ~~(B) The alleged victim lacks the capacity to consent to the release of~~
10 ~~the financial information.~~

11 ~~(C) Law enforcement is not involved in the investigation or has not~~
12 ~~requested a subpoena for the information.~~

13 ~~(D) The alleged victim will suffer imminent harm if the investigation~~
14 ~~is delayed while the investigator obtains a court order authorizing the release~~
15 ~~of the information.~~

16 ~~(E) Immediate enforcement activity that depends on the information~~
17 ~~would be materially and adversely affected by waiting until the alleged victim~~
18 ~~regains capacity.~~

19 ~~(F) The Commissioner of Disabilities, Aging, and Independent~~
20 ~~Living has personally reviewed the request and confirmed that the conditions~~
21 ~~set forth in subdivisions (A) through (E) of this subdivision (2) have been met~~

1 ~~and that disclosure of the information is necessary to protect the alleged victim~~
2 ~~from abuse, neglect, or financial exploitation.~~

3 ~~(c) If a guardian refuses to consent to the release of the alleged victim's~~
4 ~~financial information, the investigator may seek review of the guardian's~~
5 ~~refusal by filing a motion with the Probate Division of the Superior Court~~
6 ~~pursuant to 14 V.S.A. § 3062(c).~~

7 ~~(d) If an agent under a power of attorney refuses to consent to the release of~~
8 ~~the alleged victim's financial information, the investigator may file a petition~~
9 ~~in Superior Court pursuant to 14 V.S.A. § 3510(b) to compel the agent to~~
10 ~~consent to the release of the alleged victim's financial information.~~

11 ~~(e) The investigator shall include a copy of the written request in the~~
12 ~~alleged victim's case file.~~

13 ~~(f) The person having custody or control of the financial information shall~~
14 ~~not require the investigator to provide details of the investigation to support the~~
15 ~~request for production of the information.~~

16 ~~(g) The information requested and released shall be used only to investigate~~
17 ~~the allegation of abuse, neglect, or financial exploitation or for the purposes set~~
18 ~~forth in subdivision 6911(a)(1)(B) of this title and shall not be used against the~~
19 ~~alleged victim.~~

20 ~~(h) The person having custody or control of the financial information shall~~
21 ~~provide the information to the investigator as soon as possible but, absent~~

1 ~~extraordinary circumstances, no later than 10 business days following receipt~~
2 ~~of the investigator's written request or receipt of a court order or subpoena~~
3 ~~requiring disclosure of the information.~~

4 ~~(i) A person who in good faith makes an alleged victim's financial~~
5 ~~information or a copy of the information available to an investigator in~~
6 ~~accordance with this section shall be immune from civil or criminal liability~~
7 ~~for disclosure of the information unless the person's actions constitute gross~~
8 ~~negligence, recklessness, or intentional misconduct. Nothing in this section~~
9 ~~shall be construed to provide civil or criminal immunity to a person suspected~~
10 ~~of having abused, neglected, or exploited a vulnerable adult.~~

11 ~~(j) The person having custody or control of the financial information of an~~
12 ~~alleged victim may charge the Department of Disabilities, Aging, and~~
13 ~~Independent Living no more than the actual cost of providing the information~~
14 ~~to the investigator and shall not refuse to provide the information until~~
15 ~~payment is received. A financial institution shall not charge the Department~~
16 ~~for the information if the financial institution would not charge if the request~~
17 ~~for the information had been made directly by the account holder. [Repealed.]~~

18 * * *

19 **§ 6917. WRITTEN COMMUNICATIONS**

1 Any written communications from the Department, administrative reviewer,
2 or Human Services Board to the alleged victim to the alleged perpetrator shall
3 use plain language.

4 § 6918. RULEMAKING

5 The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to
6 implement this subchapter. ~~These rules shall address~~ , including:

7 (1) conducting referrals on intakes, including:

8 (A) required referrals; and

9 (B) referrals on intake reports not accepted for assessment or

10 investigation;

11 (2) conducting assessments, including:

12 (A) the components of an assessment;

13 (B) the determinations of an assessment; and

14 (C) timelines required for the assessment; and

15 (3) conducting investigations, including:

16 (A) the components of an investigation;

17 (B) the determinations of an investigation; and

18 (C) timelines required for the investigation.

19 Sec. 2. 33 V.S.A. chapter 69, subchapter 2 is amended to read:

20 Subchapter 2. ~~Abuse~~ Maltreatment Prevention for Vulnerable Adults

21 * * *

1 § 6931a. ACCESS TO FINANCIAL INFORMATION

2 (a) As used in this subchapter:

3 (1) “A person having custody or control of the financial information”

4 means:

5 (A) a bank as defined in 8 V.S.A. § 11101;

6 (B) a credit union as defined in 8 V.S.A. § 30101;

7 (C) a broker-dealer or investment advisor, as those terms are defined
8 in 9 V.S.A. § 5102; or

9 (D) a mutual fund as defined in 8 V.S.A. § 3461.

10 (2) “Capacity” means an individual’s ability to make and communicate
11 a decision regarding the issue that needs to be decided.

12 (3) “Financial information” means an original or copy of, or information
13 derived from:

14 (A) a document that grants signature authority over an account held
15 at a financial institution;

16 (B) a statement, ledger card, or other record of an account held at a
17 financial institution that shows transactions in or with respect to that account;

18 (C) a check, clear draft, or money order that is drawn on a financial
19 institution or issued and payable by or through a financial institution;

1 (D) any item, other than an institutional or periodic charge, that is
2 made under an agreement between a financial institution and another person’s
3 account held at a financial institution;

4 (E) any information that relates to a loan account or an application
5 for a loan;

6 (F) information pertaining to an insurance or endowment policy,
7 annuity contract, contributory or noncontributory pension fund, mutual fund,
8 or security, as defined in 9 V.S.A. § 5102; or

9 (G) evidence of a transaction conducted directly or by electronic or
10 telephonic means, including surveillance video, access logs, IP addresses, and
11 any other digital logs, documents, and metadata.

12 (4) “Financial institution” means any financial services provider
13 licensed, registered, or otherwise authorized to do business in Vermont,
14 including a bank, credit union, broker-dealer, investment advisor, mutual fund,
15 or investment company.

16 (b)(1) A person having custody or control of the financial information of a
17 vulnerable adult shall make the information or a copy of the information
18 available to an Adult Protective Services investigator upon receipt of a court
19 order or receipt of the investigator’s written request, or in the instances
20 described in subsections (d) and (e) of this section upon receipt of a court
21 order.

1 (2) The request shall include a statement signed by the account holder, if
2 the account holder has ability, or the account holder’s guardian with financial
3 powers or agent under a power of attorney consenting to the release of the
4 information to the investigator.

5 (c) If the vulnerable adult lacks **decisional ability capacity** and does not
6 have a guardian or agent, or if the vulnerable adult lacks capacity and the
7 vulnerable adult’s guardian or agent is the alleged perpetrator, the request shall
8 include a statement signed by the investigator asserting that all of the following
9 conditions exist:

10 (1) The account holder is an alleged victim of abuse, neglect, or
11 financial exploitation.

12 (2) The alleged victim lacks the **decisional ability capacity** to consent to
13 the release of the financial information.

14 (3) Law enforcement is not involved in the investigation or has not
15 requested a subpoena for the information.

16 (4) The alleged victim will suffer imminent harm if the investigation is
17 delayed while the investigator obtains a court order authorizing the release of
18 the information.

19 (5) Immediate enforcement activity that depends on the information
20 would be materially and adversely affected by waiting until the alleged victim
21 regains **decisional ability capacity**.

1 (6) The Commissioner has personally reviewed the request and
2 confirmed that the conditions set forth in subsection (c) of this section have
3 been met and that disclosure of the information is necessary to protect the
4 alleged victim from abuse, neglect, or financial exploitation.

5 (d) If a guardian refuses to consent to the release of the alleged victim’s
6 financial information, the investigator may seek review of the guardian’s
7 refusal by filing a motion with the Probate Division of the Superior Court
8 pursuant to 14 V.S.A. § 3062(c).

9 (e) If an agent under a power of attorney refuses to consent to the release of
10 the alleged victim’s financial information, the investigator may file a petition
11 in Superior Court pursuant to 14 V.S.A. § 3510(b) to compel the agent to
12 consent to the release of the alleged victim’s financial information.

13 (f) The investigator shall include a copy of the written request in the
14 alleged victim’s case file.

15 (g) The person having custody or control of the financial information shall
16 not require the investigator to provide details of the investigation to support the
17 request for production of the information.

18 (h) The information requested and released shall be used only to investigate
19 the allegation of abuse, neglect, or financial exploitation or for the purposes set
20 forth in subdivision **6911(b)(3)** of this title and shall not be used against the
21 alleged victim.

1 (i) The person having custody or control of the financial information shall
2 provide the information to the investigator as soon as possible but, absent
3 extraordinary circumstances, not later than 10 business days following receipt
4 of the investigator’s written request or receipt of a court order or subpoena
5 requiring disclosure of the information.

6 (j) A person who in good faith makes an alleged victim’s financial
7 information or a copy of the information available to an investigator in
8 accordance with this section shall be immune from civil or criminal liability
9 for disclosure of the information unless the person’s actions constitute gross
10 negligence, recklessness, or intentional misconduct. Nothing in this section
11 shall be construed to provide civil or criminal immunity to a person suspected
12 of having abused, neglected, or exploited a vulnerable adult.

13 ~~(k) The person having custody or control of the financial information of an~~
14 ~~alleged victim may charge the Department not more than the actual cost of~~
15 ~~providing the information to the investigator and shall not refuse to provide the~~
16 ~~information until payment is received. A financial institution shall not charge~~
17 ~~the Department for the information if the financial institution would not have~~
18 ~~charged if the request for the information had been made directly by the~~
19 ~~account holder.~~

1 § 6932. JURISDICTION AND VENUE

2 (a) The Family Division of the Superior Court shall have jurisdiction over
3 proceedings under this subchapter.

4 (b) Emergency orders under section 6936 of this title may be issued by a
5 judge of the Criminal, Civil, or Family Division of the Superior Court.

6 (c) Proceedings under this subchapter may be commenced in the county in
7 which the plaintiff vulnerable adult resides. If the vulnerable adult has left the
8 residence to avoid abuse, neglect, or exploitation, the plaintiff vulnerable adult
9 shall have the option to bring an action in the county of the previous residence
10 or the county of the new residence.

11 § 6933. REQUEST FOR RELIEF

12 (a) A vulnerable adult, Adult Protective Services staff, or an interested
13 person on behalf of a vulnerable adult may seek relief from abuse, neglect, or
14 exploitation by filing a petition requesting one or both more of the following
15 orders:

16 (1) an order that the defendant refrain from abusing, neglecting, or
17 exploiting the vulnerable adult;

18 (2) an order that the defendant immediately vacate the household;

19 (3) an order that the defendant shall not contact or communicate with
20 the vulnerable adult either directly or through a third party;

1 (4) an order that the defendant shall not come within a fixed distance
2 from the vulnerable adult;

3 (5) an order that the defendant shall not follow or stalk the vulnerable
4 adult;

5 (6) an order to deliver care plans, medicines, physicians' orders, and
6 medical records to the vulnerable adult or their representative;

7 (7) an order to cooperate in the transfer of the vulnerable adult's care to
8 ensure their safety and well-being;

9 (8) an order to immediately return any cash, checks, money, or property
10 belonging to the vulnerable adult in the defendant's possession;

11 (9) an order to immediately return any personal documentation
12 regarding the vulnerable adult, including identification documents, insurance
13 information, financial records, and immigration documentation;

14 (10) an order that the defendant shall not access, dispose of, take or
15 transfer, funds, accounts, or property from the vulnerable adult or any account
16 in the name of the vulnerable adult;

17 (11) an order to cease any access, sharing, or use of identifying
18 information, image, or likeness of the vulnerable adult;

19 (12) an order regarding possession, care, and control of any animal
20 owned, possessed, leased, kept, or held as a pet by the vulnerable adult; and

1 directive, pursuant to subdivision 9702(a)(10) of this title, as not authorized to
2 bring an action under this section;

3 (2) a social worker or health care provider employed by or directly
4 associated with the health care provider, health care facility, or residential care
5 facility providing care to the principal;

6 (3) the Defender General if the principal is in the custody of the
7 Department of Corrections;

8 (4) a representative of the State-designated protection and advocacy
9 system if the principal is in the custody of the Department of Mental Health; ~~or~~

10 (5) an individual or entity identified in an advance directive, pursuant to
11 subdivision 9702(a)(10) of this title, as authorized to bring an action under this
12 section;

13 (6) Adult Protective Services, for the purposes of reviewing the
14 authority of the agent under 33 V.S.A. § 6907(b)(3) to refuse protective
15 services under 33 V.S.A. § 6907(b)(2)(C).

16 * * *

17 **Sec. 4. ADULT PROTECTIVE SERVICES; FINANCIAL PROTECTIONS**

18 On or before November 1, 2023, the Department of Disabilities, Aging,
19 and Independent Living, in collaboration with representatives of financial
20 institutions as defined in 33 V.S.A. § 6931a, shall submit a report to House
21 Committee on Human Services and to the Senate Committee on Health and

1 Welfare providing proposed legislative changes to protect vulnerable adults
2 from financial abuse, neglect, and exploitation.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2023.

5

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12 (Committee vote: _____)

13

14

Representative _____

15

FOR THE COMMITTEE