

1 H.105

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

7 Referred to Committee on

8 Date:

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

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

18 An act relating to adult protective services reporting requirements

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

~~Sec. 1. ADULT PROTECTIVE SERVICES REPORTS~~

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

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

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

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

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

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

1 ~~(5) a range of the lengths of time between receipt of a report of abuse,~~
2 ~~neglect, or exploitation and the first contact with the reporter;~~
3 ~~(6) the number of cases that were not investigated pursuant to~~
4 ~~33 V.S.A. § 6906 because:~~
5 ~~(A) the alleged victim did not meet the statutory definition of a~~
6 ~~vulnerable adult;~~
7 ~~(B) the allegation did not meet the statutory definition of abuse,~~
8 ~~neglect, or exploitation;~~
9 ~~(C) the report was based on self-neglect; or~~
10 ~~(D) the report was based on "resident on resident" abuse;~~
11 ~~(7) of the cases not investigated pursuant to 33 V.S.A. § 6906 because~~
12 ~~the alleged victim did not meet the statutory definition of a vulnerable adult,~~
13 ~~the number that involved an alleged victim who was a resident of a facility as~~
14 ~~defined in 33 V.S.A. § 6902(14)(A), or a resident of a psychiatric hospital as~~
15 ~~defined in 33 V.S.A. § 6902(14)(B);~~
16 ~~(8) of the cases not investigated pursuant to 33 V.S.A. § 6906 because~~
17 ~~the alleged victim did not meet the statutory definition of a vulnerable adult,~~
18 ~~the number that involved an alleged victim who was receiving personal care~~
19 ~~services as defined in 33 V.S.A. § 6902(14)(C);~~
20 ~~(9) of the cases not investigated pursuant to 33 V.S.A. § 6906, the~~
21 ~~services to which the reporter, alleged victim, or both were referred;~~

- 1 ~~(10) reasons other than those listed in subdivision (6) of this subsection~~
2 ~~for which a case was not investigated pursuant to 33 V.S.A. § 6906, such as no~~
3 ~~allegation of mistreatment, and the number of reports in each category;~~
4 ~~(11) the number of cases in which there was no contact with the alleged~~
5 ~~victim or the reporter after the initial screening;~~
6 ~~(12) the number of substantiations, pending substantiations,~~
7 ~~unsubstantiations, and completed investigations;~~
8 ~~(13) a range of lengths of time between receipt of a report of abuse,~~
9 ~~neglect, or exploitation and:~~
10 ~~(A) the Department reaching a decision about whether to investigate;~~
11 ~~(B) an investigator contacting the alleged victim; and~~
12 ~~(C) the Department completing the investigation;~~
13 ~~(14) as of the last day of the month, the number of permanent full-time~~
14 ~~equivalent employees and vacancies, the number of temporary full-time~~
15 ~~equivalent employees and vacancies, the position titles of all employees and~~
16 ~~vacant positions, and the employees' caseloads;~~
17 ~~(15) the number of:~~
18 ~~(A) cases that resulted in a written coordinated treatment plan~~
19 ~~pursuant to 33 V.S.A. § 6907(a), protective services as defined in~~
20 ~~33 V.S.A. § 6902(9), or a plan of care as defined in 33 V.S.A. § 6902(8);~~

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

3 (C) referrals to law enforcement agencies;

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

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

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

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

14 Sec. 2. ADULT PROTECTIVE SERVICES EVALUATION

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

20 (b) The evaluation shall examine:

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

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

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

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

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

17 Sec. 3. TRANSFER

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

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~~Sec. 4. REPEAL~~

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

Sec. 5. EFFECTIVE DATE

~~This act shall take effect on passage~~

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

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

~~*(4) (2) According to an August 2012 report prepared by the Self-Neglect
Task Force convened by the Department of Disabilities, Aging, and
Independent Living, in 2010 the Department's Adult Protective Services
program received 263 reports of self-neglect and investigated 42 of those
reports.*~~

~~*(5) (3) The Task Force report explains that although Adult Protective
Services makes numerous referrals to law enforcement and other agencies, the*~~

available data do not identify the number of referrals that were made in response to allegations of self-neglect or to whom reporters or persons who were self-neglecting were referred.

~~(6)~~ (4) The Department of Disabilities, Aging, and Independent Living recently awarded grants to Vermont's five Area Agencies on Aging to support and enhance coordinated community responses to persons who are self-neglecting. The request for proposals for the grants acknowledges a lack of data at both the state and community levels to determine the scope of the problem of self neglect. The request for proposals for the grants contained an acknowledgment by the Self-Neglect Task Force that data are lacking at both the state and community levels to determine the scope of the problem of self-neglect.

Sec. 2. ADULT PROTECTIVE SERVICES DATA

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

information to the Health Care Oversight Committee. The Commissioner shall also post the information to the Department's website in order to make the information available to the public.

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

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

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

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

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

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

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

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

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

(E) the alleged victim died; or

(F) for any other reason;

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

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

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

Sec. 12. REPORT

(a) ~~On Notwithstanding the provisions of 2 V.S.A. § 20(d), on or before January 15, 2006 and on or before January 15 of each year thereafter, the secretary of the agency of human services~~ Secretary of Human Services shall submit a report to the following committees: the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare ~~House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.~~ On or before January 15, 2006 and on or before January 15 of each year thereafter until January 15, 2018, the secretary of the agency of human services Secretary of Human Services shall submit a report to the following committees: the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare House and Senate Committees on Judiciary, the House Committee on

Human Services, and the Senate Committee on Health and Welfare. The
report shall include:

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

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

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

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

(iv) referred to other agencies for investigation by APS ~~during the~~
~~preceding year~~ regardless of whether reports were opened, substantiated, or
unsubstantiated, including identification of each agency and the number of
referrals it received.

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

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

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

(viii) referred to law enforcement agencies.

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

§ 6913.

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

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

- (i) relationship to the reporter;
- (ii) relationship to the alleged perpetrator;
- (iii) age;
- (iv) disability or impairment; and
- (v) place of residency.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.