

VERMONT LEGAL AID

Long Term Care Ombudsman Project

H. 112

March 16, 2016

The Long Term Care Ombudsman Project supports H.112. We believe that it creates a much needed limited exception to 8 VSA §10204, the state law that protects the privacy of consumers' financial information maintained by banks and credit unions. This exception would allow APS, under clearly defined circumstances, to access a vulnerable adult's financial information.

Ombudsmen advocate for individuals who receive long term care services in licensed facilities and in the community under choices for Care. The people we serve are all vulnerable adults as defined in the state's adult protective services statute.

Unfortunately these vulnerable adults can be targets for financial exploitation.

Many have significant physical and mental limitations. Some rely on guardians or agents under a power of attorney to help them manage their affairs. Most of the time, these representatives act on behalf of the vulnerable adults. Sometimes, because of their own financial pressures, they ignore the needs of the vulnerable adult and they exploit the vulnerable adult.

We believe that this limited exception to 8VSA § 10204 is necessary when there is an allegation of financial abuse and the vulnerable adult does not have an agent or guardian, or when the vulnerable adult lacks capacity to consent to the release of the records or when the agent or guardian is the alleged abuser.

H.112 applies only to banks and credit unions. We believe this makes sense. Most of the exploitation that we see involves accessing funds in checking and savings accounts using ATMs or withdrawing funds from these accounts without permission or authority or with the coerced consent of the vulnerable adult.

The legislature could expand the scope of H.112 at later date if needed, but right now it is needed to address a real and immediate problem.

Respectfully submitted,
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