

1 Introduced by Representative Haas of Rochester

2 Referred to Committee on

3 Date:

4 Subject: Human services; adult protective services; Vulnerable Adult Fatality

5 Review Team

6 Statement of purpose of bill as introduced: This bill proposes to establish a

7 Vulnerable Adult Fatality Review Team.

8 An act relating to the creation of a Vulnerable Adult Fatality Review Team

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

10 Sec. 1. 33 V.S.A. chapter 69, subchapter 3 is added to read:

11 Subchapter 3. Vermont Vulnerable Adult Fatality Review Team

12 § 6961. VERMONT VULNERABLE ADULT FATALITY REVIEW TEAM

13 ESTABLISHED

14 (a) Creation. There is created a Vermont Vulnerable Adult Fatality Review

15 Team (Team), within the Office of the Attorney General, for the following

16 purposes:

17 (1) To examine select cases of abuse and neglect-related fatalities and

18 preventable deaths of vulnerable adults in Vermont.

19 (2) To identifying systems gaps and risk factors associated with those

20 deaths.

1 (3) To educate the public, service providers and policymakers about abuse
2 and neglect-related fatalities and preventable deaths of vulnerable adults and
3 strategies for intervention.

4 (4) To recommend legislation, rules, policies, practices, procedures and
5 training to promote interagency collaboration and to improve systemic
6 responses to abuse and neglect of vulnerable adults.

7 (b)(1) Membership. The Team shall comprise the following members:

8 (A) the Attorney General or designee;

9 (B) the Commissioner of the Department of Disabilities, Aging and
10 Independent Living or designee;

11 (C) the Commissioner of Public Safety or designee;

12 (D) the Chief Medical Examiner or designee;

13 (E) the DAIL Adult Protective Services Program Chief or designee;

14 (F) the DAIL Adult Services Division Director or designee;

15 (G) the Director of the Vermont Office of Emergency Medical
16 Services and Injury Prevention or designee;

17 (H) an investigator from the Office of the Chief Medical Examiner,
18 appointed by the Chief Medical Examiner;

19 (I) an investigator from the Medicaid Fraud and Residential Abuse
20 Unit of the Office of the Attorney General, appointed by the Attorney General;

21 (J) the State Long-Term Care Ombudsman;

1 (K) a representative of victim services, appointed by the executive
2 director of the Vermont Center for Crime Victim Services;

3 (L) the Director of the Center on Aging at the University of
4 Vermont or a gerontologist or geriatrician designee appointed by the Director;
5 and

6 (M) the Director of Disability Rights Vermont, or designee.

7 (2) The Team may invite additional persons to assist the them.

8 (3) The designated members of the Team shall serve two-year terms,
9 except that two members of the first Team shall serve one-year terms to ensure
10 that new members are designated to serve on the Team each year. Any
11 vacancy on the Team shall be filled in the same manner as the original
12 appointment. The replacement member shall serve for the remainder of the
13 unexpired term.

14 (c) Meetings.

15 (1) The Attorney General or designee shall call the first meeting of the
16 Team to occur on or before September 30, 2016.

17 (2) The Team shall select a chair and vice chair from among its
18 members at the first meeting, and annually thereafter. The Vice Chair shall
19 also serve as Secretary.

20 (3) The Team shall meet at such times as may reasonably be necessary
21 to carry out its duties, but at least once in each calendar quarter.

22

1 § 6962. POWERS AND DUTIES; REPORTS

2 (a) The Team shall develop and implement policies to ensure that the
3 deaths of vulnerable adults in Vermont are reviewed using uniform procedures
4 established by the Team.

5 (b)(1) The Team may review the death of any person who meets the
6 definition of a vulnerable adult in subdivision 6902(14) of this title and:

7 (A) who was the subject of an adult protective services investigation;
8 or

9 (B) whose death came under the jurisdiction of, or was investigated
10 by, the Office of the Chief Medical Examiner; or

11 (C) whose death was due to abuse or neglect or acts suggesting abuse
12 or neglect.

13 (2) The Team shall not initiate a review of the death of a vulnerable
14 adult until the conclusion of any APS or law enforcement investigation or
15 criminal prosecution unless the investigating authority requests or approves the
16 review.

17 (3) The Team shall establish criteria for selecting specific fatalities for
18 review to ensure the analysis of fatalities occurring in both institutional and
19 home and community-based settings.

20 (c)(1) Beginning in 2018, the Team shall submit an annual report to the
21 General Assembly on or before January 15.

22 (2) The annual report shall:

- 1 (A) summarize the Team’s activities for the preceding year;
- 2 (B) identify any changes to the Team’s uniform procedures;
- 3 (C) identify system gaps and risk factors associated with deaths
4 reviewed by the Team;
- 5 (D) recommend changes in statute, rule, policy, procedure, training,
6 or the coordination of services that would decrease the number of preventable
7 deaths in Vermont’s vulnerable adult population; and
- 8 (E) assess the effectiveness of the Team’s activities.

9 § 6963. CONFIDENTIALITY

- 10 (a) The proceedings and records of the Team are confidential and shall not
11 be subject to subpoena or discovery or be admissible in any civil or criminal
12 proceedings; provided, however, that nothing in this subsection shall be
13 construed to limit or restrict the right to discover or use in any civil or criminal
14 proceedings anything that is available from another source and entirely
15 independent of the Team’s review. The Team shall not use information,
16 records or data that it obtains or generates for purposes other than those
17 designated herein.
- 18 (b) The conclusions and recommendations of the Team may be disclosed,
19 but shall not identify or allow for the identification of any person.
- 20 (c) All information obtained or generated by the Team is confidential and
21 exempt from public inspection and copying under the Public Records Act, and

1 shall not be released. Meetings of the Team are confidential and shall be
2 exempt from the Vermont Open Meeting Law.

3 (d) Team members and persons invited to assist the Team shall not reveal
4 information, records, discussions, and opinions disclosed in connection with
5 the Team's work, and shall execute a sworn statement to honor the
6 confidentiality of such information, records, discussions, and opinions.

7 § 6964. ACCESS TO INFORMATION AND RECORDS

8 (a) In any case subject to review by the Team, and upon oral or written
9 request by the Team, any person who possesses information or records that are
10 necessary and relevant to the Team's review shall as soon as practicable
11 provide the Team with the information and records, subject to the limitations
12 of other State and Federal laws.

13 (b) Persons disclosing or providing information or records upon the Team's
14 request are not criminally or civilly liable for disclosing or providing
15 information or records in compliance with this section.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on July 1, 2016.