

1 S.40

2 Introduced by Senator Pollina

3 Referred to Committee on

4 Date:

5 Subject: Human services; adult protective services; Vulnerable Adult Fatality  
6 Review Team

7 Statement of purpose of bill as introduced: This bill proposes to establish a  
8 Vulnerable Adult Fatality Review Team.

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

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

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

12 Subchapter 3. Vermont Vulnerable Adult Fatality Review Team

13 § 6961. VERMONT VULNERABLE ADULT FATALITY REVIEW TEAM

14 ESTABLISHED

15 (a) Creation. There is created a Vermont Vulnerable Adult Fatality Review  
16 Team (Team).

17 (b)(1) Membership. The Team shall comprise the following members or  
18 their designees:

19 (A) the Chief Medical Examiner;

20 (B) an investigator from the Office of the Chief Medical Examiner;

1           (C) the Director of the Medicaid Fraud and Residential Abuse Unit of  
2           the Office of the Attorney General;

3           (D) an investigator from the Medicaid Fraud and Residential Abuse  
4           Unit of the Office of the Attorney General;

5           (E) the State Survey Agency Director in the Department of  
6           Disabilities, Aging, and Independent Living (DAIL);

7           (F) the DAIL Adult Protective Services Program Chief;

8           (G) the State Long-Term Care Ombudsman;

9           (H) the Director of the Vermont Office of Emergency Medical  
10          Services and Injury Prevention;

11          (I) a representative from the Vermont State Police;

12          (J) a representative of victim services, appointed by the Attorney  
13          General;

14          (K) a local law enforcement officer, appointed by the Attorney  
15          General;

16          (L) a gerontologist or geriatrician, appointed by the Attorney  
17          General; and

18          (M) two representatives from advocacy groups for persons who are  
19          elders or who have disabilities, appointed by the Attorney General.

20          (2) Additional persons may be invited to assist the Team if the services  
21          of these persons are appropriate to a particular case, and these persons shall be

1 considered adjunct members of the Team for the duration of the review of  
2 the case.

3 (3) The members of the Team appointed by the Attorney General shall  
4 serve two-year terms, except that two members of the first Team shall serve  
5 one-year terms to ensure that the Attorney General appoints new members to  
6 the Team each year. Any vacancy on the Team shall be filled in the same  
7 manner as the original appointment. The replacement member shall serve for  
8 the remainder of the unexpired term.

9 (c) Meetings.

10 (1) The Attorney General or designee shall call the first meeting of the  
11 Team to occur on or before September 30, 2015.

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

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

17 (d) The Team shall have the administrative, technical, and legal assistance  
18 of the Office of the Attorney General.

19 § 6962. POWERS AND DUTIES; REPORTS

20 (a) The Team shall develop and implement policies to ensure that the  
21 deaths of vulnerable adults in Vermont are analyzed using uniform procedures

1 established by the Team. The Team shall recognize that vulnerable adults  
2 should receive quality care and be treated with dignity and respect.

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

5 (A) who was the subject of an adult protective services investigation;

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

8 (C) whose death was due to abuse or neglect or acts suggesting abuse  
9 or neglect.

10 (2) The Team shall not initiate a vulnerable adult death review until the  
11 conclusion of any law enforcement investigation or criminal prosecution unless  
12 the investigating authority requests or approves the review.

13 (c)(1) Beginning in 2016, the Team shall submit an annual report to the  
14 Governor and the General Assembly on or before October 1 of each year.

15 (2) The annual report shall:

16 (A) summarize the Team's activities for the preceding year;

17 (B) identify any changes to the Team's uniform procedures;

18 (C) identify system gaps and risk factors associated with deaths  
19 reviewed by the Team; and

1           (D) recommend changes in statute, rule, policy, procedure, training,  
2           or service coordination that would decrease the number of preventable deaths  
3           in Vermont's vulnerable adult population.

4           § 6963. CONFIDENTIALITY

5           (a) All information obtained or generated by the Team regarding a case  
6           review is confidential and exempt from public inspection and copying under  
7           the Public Records Act, and shall not be released. Such information shall not  
8           be subject to subpoena or discovery or be admissible in any civil or criminal  
9           proceedings; provided, however, that nothing in this subsection shall be  
10           construed to limit or restrict the right to discover or use in any civil or criminal  
11           proceedings anything that is available from another source and entirely  
12           independent of the Team's review.

13           (b) The aggregate findings of the Team may be disclosed or published in  
14           statistical form, but shall not identify or allow for the identification of any  
15           person.

16           (c) Meetings during which the Team reviews a specific death shall be  
17           exempt from the Vermont Open Meeting Law. Team members and persons  
18           attending Team meetings shall not reveal information, records, discussions,  
19           and opinions disclosed during meetings at which the Team reviews a specific  
20           death, and shall execute a sworn statement to honor the confidentiality of such  
21           information, records, discussions, and opinions.

1     § 6964. ACCESS TO INFORMATION AND RECORDS

2           (a) In any case subject to review by the Team, and upon oral or written  
3     request by the Team, any person who possesses information or records that are  
4     necessary and relevant to Team review shall as soon as practicable provide the  
5     Team with the information and records.

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

9     Sec. 2. SUNSET

10           This act is repealed on July 1, 2020.

11     Sec. 3. EFFECTIVE DATE

12           This act shall take effect on July 1, 2015.