

VERMONT LEGAL AID

Long Term Care Ombudsman Project

P.O. Box 1367
264 North Winooski Avenue
Burlington, Vermont 05402
802.863.5620 (Voice and TTY)
802.863.7152 (FAX)
800.889.2047 (Toll Free)

S.40

Senate Health and Welfare Committee
February 3, 2016

The Vermont Long Term Care Ombudsman Project advocates for individuals in licensed long term care facilities and individuals who receive long term care services in the community through Choices for Care. We support S. 40.

S. 40 establishes an Adult Fatality Review Team to review the deaths of vulnerable Vermonters.

- The team will identify system gaps and risk factors associated with the deaths of vulnerable Vermonters and recommend changes in policy, practices and regulation that improve coordination of services
- The very act of bringing people together in a team will improve coordination and communication between agencies and organizations that are charged with protecting vulnerable adults or who provide services to vulnerable adults.
- A system that is committed to avoiding unnecessary deaths will result in better care and better quality of life for vulnerable adults.

The review team will not point fingers or “play the shame game.”

- The purpose is to analyze deaths to determine where the system failed the individual and explore ways to improve the system so that unnecessary deaths are less likely to occur.
- Everyone who serves on the team is at risk of having the review identify some instance where they may have failed the individual.

The team should review deaths in all settings.

- Individuals move between care settings, for the team to be effective, it must have the ability to review deaths that occur in all settings.
- Where someone dies may have little to do with the untoward event that precipitated their death.

S.40 Overview

What will S. 40 do?

- Establishes a Vulnerable Adult Fatality Review Team in Vermont

What won't it do?

- Point fingers, play the “shame game”

What deaths will be reviewed?

- Deaths that were the subject of an Adult Protective services Investigation
- Deaths that come under the jurisdiction of the Chief Medical Examiner
- Deaths due to neglect or abuse or acts suggesting neglect or abuse

What is the purpose of the team?

- To decrease the number of preventable deaths in our vulnerable population.
- To identify system gaps and risk factors associated with the deaths of vulnerable Vermonters and recommend changes in policy, practices and regulation that improve coordination of services.
- To improve communication between agencies and organizations that are charged with protecting vulnerable adults or who provide services to vulnerable adults

Who is a vulnerable adult?

Under Vermont law a vulnerable adult is someone 18 or older who:

- Resides in a long term care facility, a psychiatric hospital or unit ;
- Has received personal care services for more than a month, or;
- Is impaired due to brain damage, infirmities of aging, mental condition or physical, psychiatric or developmental disability and the impairment limits the person’s ability to provide for his or her own care without assistance or it limits his or her ability to protect him or herself from abuse neglect or exploitation.

Submitted by Jackie Majoros, Director, Long Term Care Ombudsman Project
Vermont Legal Aid
jmajoros@vtlegal.org
802.382.2227