

February 6, 2020

To: Ann Pugh, Chair, House Human Services
House Human Services Committee Members
From: Monica Hutt, Commissioner
Re: Comments on Resources Required to Implement H. 611

Thank you for the opportunity to offer an initial analysis of the resources required to implement H. 611 as introduced. As discussed in testimony, DAIL supports the development of an Older Vermonters Act to codify in statute the principles to govern policy and practice in serving older Vermonters through a comprehensive and coordinated system of services, supports, and protections. However, H.611 as introduced has funding and resource implications for DAIL and other parts of the Agency of Human Services.

In the interest of time, this document and the accompanying table offers a rough analysis and estimate of resource implications. We are hopeful that it is helpful in identifying what it would require to accomplish the vision of the bill.

Analysis of H. 611

Overall, DAIL is concerned that the language in the current bill as it relates to services could be interpreted very broadly to include any and all services used by older Vermonters, far beyond DAIL funded or managed programs and services. The definition decided upon by the committee will influence DAIL's capacity (staffing and resources) to fulfill the requirements of this section.

As introduced, the section that has the largest impact to DAIL is 6206 of the proposed bill. This is specific to both the current, federally required State Plan on Aging and to changes in reporting activities conducted in the Adult Protective Services (APS) unit. As outlined in the attached chart, we anticipate requiring at least 3.5 FTEs, and resources to pay for additional work by the data management IT vendor for Adult Protective Services and 1.5 FTE in our State Unit on Aging in order to accomplish the requirements set forth in H. 611.

Because of the specificity of the data reporting for APS envisioned in H. 611, we have taken the time in this memo to detail specific information about current limitations which would need to be addressed to meet the proposed reporting requirements. Resource needs are embedded in the accompanying table.

It is important to note that any focus of APS' efforts to investigate maltreatment and refer services for vulnerable adults may not appropriately align with a bill that establishes services, supports and protections specifically for older Vermonters. APS' statute (Title 33, Chapter 69), establishes services for adults with vulnerabilities and diminished capacities, and is not based on status solely as an older adult. APS' actively advocates that being an older Vermonter should not confer an assumption of vulnerability; establishing APS requirements through an Older Vermonters Act, and not its own statute under Title 33 Chapter 69, runs antithetical to the advocacy and efforts APS works to promote.

The following is an analysis by each proposed data point:

(A) the number of unduplicated reports of abuse, neglect, or exploitation of a vulnerable adult received by the Department's Adult Protective Services program and the number of these reports assigned for investigation;

*APS does not differentiate between unduplicated and duplicated reports; all are reviewed on their merits, regardless of whether or not they involve the same incident. **To capture this metric would require development and implementation for our data management system, as well as the staff effort to establish this for each report.***

(B) the total number of cases currently open and under investigation; the number of reports assigned for investigation that were not substantiated;

APS can easily provide a current total for these items in real time, though if there is a request for an account of these metrics from some point in the past, this will require development for this capacity in our data management system.

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

This metric can never be fully realized as the appeal process through the Human Services Board and the courts can extend indefinitely. We can certainly provide an annual accounting of those cases with the recognition that the number could change based on ongoing appeal processes.

(D) the number of cases that were not investigated pursuant to section 6906 of this title because:

- (i) the report was based on self-neglect; 21
- (ii) the alleged victim did not meet the statutory definition of a vulnerable adult;
- (iii) the allegation did not meet the statutory definition of abuse, neglect, or exploitation;
- (iv) the report was based on "resident on resident" abuse;
- (v) the alleged victim died;
- (vi) for any other reason;

*Some of these metrics are not currently collected or available in our data management system nor are they aligned with APS' current statutory requirements. **Expanding our operations to capture and report on these data will require system development as well as increased staff capacity.***

(E) 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;

Please see above for explanation of this component of the current system.

(F) regardless of whether a report was investigated, substantiated, or unsubstantiated, the number of reports referred to other agencies for investigation by the Adult Protective Services program, including identification of each agency and the number of referrals it received;

Please see above for explanation of this component of the current system.

(G) the number of reports that the Adult Protective Services program referred for protective services, including a summary of the services provided;

*Protective Services are treated as PII/PHI and are protected under HIPAA and therefore not openly available in our data management system (which has a different level of permissions not appropriate for many of the specified services). It would be possible for designated staff with appropriate authorization to access this information, aggregate, and anonymize the results. **The estimated effort to produce this product would take approximately thirty (30) minutes per report, or 2,000 hours of staff time annually.***

(H) the number of reports resulting in a written coordinated treatment plan pursuant to subsection 6907(a) of this title or a plan of care as defined in subdivision 6902(8) of this title;

As this item is worded, the result will always be zero (0). A discussion about APS statutory requirements for reports and investigations could alter this item to provide more valuable information.

(I) the number of reports for which an individual was placed on the abuse and neglect registry as the result of a substantiation;

This metric can never be fully realized as the appeal process through the Human Services Board and the courts can extend indefinitely. (see (6)(C)) although an incomplete total might be able to be reported.

(J) the number of reports referred to law enforcement agencies;

APS collects this data as part of its current data management efforts and can easily provide this information without need for additional staff effort or information system development.

(K) the number of reports for which a penalty was imposed pursuant to section 6913 of this title and the number of reports for which actions for intermediate sanctions were brought pursuant to section 7111 of this title;

APS plays no role (and has no statutory authority) pursuant to section 7111, and does not collect, store or report on related data.

(L) for reports not investigated pursuant to section 6906 of this title, the services or agencies to which the reporter, alleged victim, or both were referred; and

*This could result in a single listing of various providers and emergency services throughout the state, and as such may not be particularly valuable. A discussion about the intent of this item might yield different results. **If the desired result is specifics metrics on each service and agency, that would require development and implementation for our data management system, as well as the staff effort to establish this for each report.***

(M) for each of the items reported pursuant to subdivisions (A)–(L) of this subdivision (6), 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 residence.

*Similar to items (D), (E), (F), and (G), some of these metrics are not currently collected or available in our data management system. **Expanding our operations to capture and report on all of these data will require system development as well as increased staff capacity, not only in compiling the report, but in seeking out information that is not initially reported nor required under statute.** Though difficult to definitively quantify, the resulting product would likely be a one-page report detailing the specified data points for each of the (on average) 80 reports and 10 investigations that are completed in APS on a weekly basis. **If each of these reports requires one (1) hour of staff effort, that would result in a report that is approximately 5,000 pages and requires 5,000 hours of staff time annually.***

Again, thanks to Committee and to sponsors of H. 611 for the opportunity to work collaboratively on this bill. We hope that we have offered relevant information to consider in imagining an Older Vermonters Act.