

## VLA Proposed Changes to Protect Privacy

### Definitions

“Investigative summary report” means the document that summarizes the investigation conducted by Adult Protective Services and includes a recommendation to substantiate or unsubstantiate the investigated allegations against the alleged perpetrator.

Add new definition (see 33 V.S.A. 4912 for child abuse as an example):

“Redacted investigation file” means the relevant portions of the investigation file, excluding privileged and confidential information, that form the basis of Adult Protective Services’ recommendation

### **6906 Assessment and Investigation (H.171 page 24-26):**

(4) Upon completion of the investigation, ~~a written report~~ the investigative summary report describing pertinent evidence obtained during the course of the investigation and recommending a substantiation or unsubstantiation shall be submitted to the Commissioner or designee for final resolution. This report will include a recommendation of whether placement on the Registry is appropriate. If the recommendation is for substantiation, the alleged perpetrator shall be given notice of the recommendation and a summary of the evidence that forms the basis of the recommendation and shall be notified of any remedial options that may exist and how a substantiated report might be used. The alleged perpetrator may seek an administrative review of the Department’s intention to place the alleged perpetrator’s name on the Registry by notifying the Department within 14 calendar days after the date listed on the Department’s notice of the right to an administrative review. The Commissioner may grant an extension past the 14-day period for good cause, not to exceed 28 calendar days after the date listed on the Department’s notice.

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(A) The Department shall hold an administrative review within 28 calendar days after receipt of the request for review. At least 10 calendar days prior to the administrative review, the Department shall provide to the alleged perpetrator requesting review the following: the redacted investigation file ~~a copy of the relevant portions of the investigation file, excluding privileged and confidential information, that form the basis of Adult Protective Services’ recommendation;~~ notice of time and place of the administrative review; and review procedures, including information that may be submitted and mechanisms for providing information. There shall be no subpoena power to compel witnesses to attend an administrative review.