

**No. 100. An act relating to adult protective services.**

(H.582)

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

Sec. 1. 33 V.S.A. § 6902 is amended to read:

§ 6902. DEFINITIONS

As used in this chapter:

\* \* \*

(21)(A) “Neglect” means ~~purposeful, knowing, or reckless failure or omission by a caregiver that has resulted in, or could be expected to result in, physical or psychological harm, including a failure or omission to:~~

~~(i) provide care or arrange for goods or services necessary to maintain the health or safety of a vulnerable adult, including food, clothing, medicine, shelter, supervision, and medical services, unless the caregiver is acting pursuant to the wishes of the vulnerable adult or the vulnerable adult’s representative, or an advance directive, as defined in 18 V.S.A. § 9701;~~

~~(ii) make a reasonable effort, in accordance with the authority granted the caregiver, to protect a vulnerable adult from abuse, neglect, or exploitation by others;~~

~~(iii) carry out a plan of care for a vulnerable adult unless the caregiver is acting pursuant to the wishes of the vulnerable adult or the vulnerable adult’s representative, or an advance directive, as defined in 18 V.S.A. § 9701; or~~

~~(iv) report significant changes in the health status of a vulnerable adult to a physician, nurse, or immediate supervisor, when the caregiver is employed by an organization that offers, provides, or arranges for personal care~~ the failure of a caregiver, agent, or fiduciary to provide the goods or services that are necessary to maintain the health or safety, or both, of a vulnerable adult.

(B) Neglect “Neglect” does not include self-neglect.

(C) The actions or inactions of a caregiver or fiduciary shall not be considered neglect if the caregiver or fiduciary is acting:

(i) pursuant to the wishes of the vulnerable adult;

(ii) at the direction and authority of the vulnerable adult’s representative; or

(iii) in accordance with the terms of the vulnerable adult’s advance directive.

\* \* \*

(26) “Report” means the statements ~~provided to Adult Protective Services~~ from a reporter alleging that a vulnerable adult has been abused, neglected, or exploited.

(27) “Reporter” means the person who has submitted a report to Adult Protective Services or to a licensing entity in accordance with section 6904 of this chapter.

(28) “Representative” means a court-appointed guardian, an agent acting under an advance directive ~~executed pursuant to 18 V.S.A. chapter 231~~, or an agent under a power of attorney, unless otherwise specified in the terms of the power of attorney.

\* \* \*

(35) “Advance directive” has the same meaning as in 18 V.S.A. § 9701.

(36)(A) “Fiduciary” means an individual or entity with the legal responsibility to:

(i) make decisions on behalf of and for the benefit of another individual; and

(ii) act in good faith and with fairness.

(B) The term “fiduciary” includes a trustee, guardian, conservator, executor, agent under a power of attorney, or representative payee.

Sec. 2. 33 V.S.A. § 6904 is amended to read:

§ 6904. NATURE AND CONTENT OF REPORT; TO WHOM MADE

(a) A Except as otherwise provided for certain reports of neglect in subsection (b) of this section, a report shall be made to the Commissioner or the Commissioner’s designee. To be considered a report to the Commissioner or designee, it shall contain the name and address of the reporter as well as the names and addresses of the vulnerable adult and persons responsible for the vulnerable adult’s care, if known; the age of the vulnerable adult; the nature of the vulnerable adult’s disability; the nature and extent of the vulnerable adult’s

abuse, neglect, or exploitation together with any evidence of previous abuse, neglect, or exploitation of the vulnerable adult; and any other information that the reporter believes might be helpful in establishing the cause of any injuries or reasons for the abuse, neglect, or exploitation as well as in protecting the vulnerable adult. If the reporter is in possession of documentation that establishes the alleged victim's conditions, needs, or services, that shall be included in the report. Any evidence of maltreatment shall also be cited in the report. If a report of abuse, neglect, or exploitation involves the acts or omissions of the Commissioner or employees of the Department, then such reports shall be directed to the Secretary of Human Services, who shall cause the report to be investigated by appropriate staff other than staff of the Department.

(b)(1) If neglect is alleged to have been perpetrated within a facility licensed by the State or a program licensed by the State, or to have been perpetrated by an individual licensed by the State, the report shall be made to the relevant licensing entity or entities as follows:

(A) Neglect within a licensed facility or program shall be reported to the applicable State licensing unit in accordance with State and federal licensing rules and regulations.

(B) Neglect by an individual licensed by the Office of Professional Regulation shall be reported to the Office of Professional Regulation.

(C) Neglect by an individual licensed by the Board of Medical Practice shall be reported to the Board of Medical Practice.

(2)(A) If a licensing entity receives a report of alleged neglect pursuant to subdivision (1) of this subsection (b), the licensing entity shall notify Adult Protective Services that the licensing entity has received a report and is acting upon it accordingly.

(B) If the licensing entity identifies neglect allegedly perpetrated within a licensed facility or program or by a licensed individual, the licensing entity shall make a report to Adult Protective Services in accordance with subsection (a) of this section.

Sec. 3. 33 V.S.A. § 6906 is amended to read:

§ 6906. ASSESSMENT AND INVESTIGATION

\* \* \*

(c) Investigation.

\* \* \*

(10) Within 30 calendar days after the date of the notice advising that a report has been substantiated, an alleged perpetrator against whom a complaint has been lodged may apply to the Human Services Board for relief on the grounds that it is unsubstantiated. The Human Services Board shall hold a fair hearing under 3 V.S.A. § 3091 within 60 calendar days after the date of the alleged perpetrator's request for a fair hearing. ~~Unless the Commissioner agrees otherwise, the hearing shall be given priority by the Human Services~~

~~Board, and an expedited hearing shall be provided, not later than 30 calendar days after the date of the notice advising that a report has been substantiated, and a decision shall be issued within seven calendar days after the hearing.~~

Priority shall be given to appeals in which there are immediate employment consequences for the person appealing the decision. The hearing officer's written findings and recommendation shall be issued within 15 calendar days after the hearing.

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#### Sec. 4. EFFECTIVE DATE

This act shall take effect on October 1, 2026.

Date Governor signed bill: May 18, 2026