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H.582

An act relating to adult protective services

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~~

1 ~~vulnerable adult's representative, or an advance directive, as defined in 18~~
2 ~~V.S.A. § 9701; or~~

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

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

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

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

13 (ii) at the direction and authority of the vulnerable adult's
14 representative; or

15 (iii) in accordance with the terms of the vulnerable adult's
16 advance directive.

17 * * *

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

1 the Commissioner's designee. To be considered a report to the Commissioner
2 or designee, it shall contain the name and address of the reporter as well as the
3 names and addresses of the vulnerable adult and persons responsible for the
4 vulnerable adult's care, if known; the age of the vulnerable adult; the nature of
5 the vulnerable adult's disability; the nature and extent of the vulnerable adult's
6 abuse, neglect, or exploitation together with any evidence of previous abuse,
7 neglect, or exploitation of the vulnerable adult; and any other information that
8 the reporter believes might be helpful in establishing the cause of any injuries
9 or reasons for the abuse, neglect, or exploitation as well as in protecting the
10 vulnerable adult. If the reporter is in possession of documentation that
11 establishes the alleged victim's conditions, needs, or services, that shall be
12 included in the report. Any evidence of maltreatment shall also be cited in the
13 report. If a report of abuse, neglect, or exploitation involves the acts or
14 omissions of the Commissioner or employees of the Department, then such
15 reports shall be directed to the Secretary of Human Services, who shall cause
16 the report to be investigated by appropriate staff other than staff of the
17 Department.

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

