



# REPORT TO THE VERMONT LEGISLATURE

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## Agency of Human Services

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## Department of Disabilities Aging, and Independent Living

### Adult Protective Services Annual Report

In accordance with  
Act 156 (2020); 33 V.S.A. §6916: The Older Vermonters Act

**Submitted to:** House Committee on Human Services  
Senate Committee on Health & Welfare

**Submitted by:** Dr. Jill Bowen  
Commissioner

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Director, Division of Licensing and Protection

**Report Date:** January 15, 2025

## LEGISLATIVE REQUEST

Protective Services Annual Report for State Fiscal Year 2024

### § 6916. ANNUAL REPORT

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year, including:

- (1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years;
- (2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision;
- (3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days;
- (4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year;
- (5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;
- (6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years;
- (7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;
- (8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:
  - (A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;
  - (B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and

- (C) the numbers and percentages of recommended substantiations by type of maltreatment;
- (9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;
- (10) data on Adult Protective Services program investigator caseloads, including:
- (A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years;
  - (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;
  - (C) average numbers of completed investigations per investigator during the previous fiscal year; and
  - (D) average numbers of completed investigations per week during the previous fiscal year;
- (11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.

## Executive Summary

Adult Protective Services (APS) is one of two branches in DAIL's Division of Licensing and Protection (the other being the Survey and Certification survey and regulatory component). APS assesses and investigates allegations of abuse, neglect, and exploitation of vulnerable adults and implements protective services, as necessary, to limit future maltreatment. APS currently has 22 employees, down from 29 employees in SFY23 due to exhausted federal funds for limited-service positions. Since SFY21, APS has maintained 11 limited-service positions and has reallocated some DAIL internal funds to retain 4 of these 11 positions in SFY25. Of the remaining 22 total positions, there are 10 permanent home-based investigators who travel throughout the state to investigate allegations of maltreatment.

A new APS statute was passed by the Vermont Legislature and signed by the Governor on June 29<sup>th</sup>, 2023, and went into effect two days later, on July 1<sup>st</sup>, 2023. SFY24 marks the first full year the new APS statute has been in effect. The new statute updated the nearly half-century-old statute to center victims' rights and better serve Vermont's vulnerable adults. Additionally, the new statute created a new, bifurcated approach to APS reports that are screened-in for response from APS. Under the old statute, the only option for a screened-in report was an investigation. This was limiting in instances where a report did not immediately rise to the level of alleging statutory maltreatment or identifying statutory vulnerability. The new statute allows for differentiated responses to either investigate a screened-in report where maltreatment of a vulnerable adult is alleged, or to conduct a field assessment where those allegations may be absent in the report but there are still safety concerns or potential for unreported maltreatment.

This differentiated response of "investigations" and "assessments" has proven very successful in the first year, with assessments accounting for a slim majority of APS screened-in cases (424 assessments and 402 investigations). Assessments allow for an easier means to open an APS case, and an assessment will escalate to an investigation if evidence of maltreatment of a vulnerable adult is discovered during the assessment. Assessments also take the place of what was previously termed a "field screen" under the old statute and includes vulnerability screening as part of its standard function. Because of this change, past reported elements on "field screens" and other outdated statutory elements are no longer germane to this report. Those instances of outdated reporting elements are noted below.

The new APS statute has brought about many positive changes in the service and protection of vulnerable adults in Vermont. One notable exception was the omission of "caregiver negligence" from the definitions of maltreatment that define the scope of APS operations and

protections. DAIL conducted a survey of dozens of other state APS statutes and found no instance where caregiver negligence was omitted from the purview of a state's APS operations. DAIL testified that the omission of caregiver negligence from APS' purview has left a significant gap in the protection of vulnerable adults in Vermont. The Department is looking forward to the opportunity to discuss further with the Vermont Legislature to bridge this gap in the 2025 Legislative session.

In addition to the work with the Legislature, a major development, nationally, has escalated the need to bring caregiver negligence back into the purview of Vermont APS: in May of 2024, the Federal Department of Health and Human Services' Administration for Community Living (ACL) released language for the first-ever federal APS rule. On Thursday, August 29th, DAIL's Division of Licensing & Protection Director Joe Nusbaum and Adult Protective Services (APS) Director John Gordon met with Federal Administration for Community Living leaders and state APS directors in Washington, DC, at HHS headquarters to discuss a national implementation plan for the new APS federal rule. At this national ACL meeting it was made clear that Vermont's exemption of negligence from its APS statute is not in compliance with federal rule. This furthered DAIL's resolve to return to the VT Legislature in 2025 to advocate altering this small language discrepancy in statute to bring VT APS fully into alignment with the new federal rule. Failure to align to the federal rule in its entirety will result in loss of all federal funding; this federal funding is currently maintaining APS field staff at a minimum acceptable level for operational needs.

In the decade prior to this statutory change (SFY13-SFY23), reports to APS increased 115%. The work is challenging but critical, and the need to maintain the quality and efficiency in APS operations is necessary to ensure a baseline of available staff hours per case. On a related note, a development this past year was the implementation of a new information management system. DAIL and the Agency for Digital Services contracted with an IT development contractor, Brite Systems, to build a new digital records and case management system in Salesforce. This was a multiyear effort, and the new system has been deployed in stages throughout SFY24. The new Salesforce case management system is currently operational, though some of the data-mining functions have not yet been completed. Due to this capacity still in development, DAIL is not yet able to report on all of the data elements below, but the system has shown initial advantages and is anticipated to provide meaningful data and increase efficiency in the Division. DAIL will submit an addendum to this report once all data elements are available, which is anticipated by May 1, 2025.

## Reporting Elements

Beginning in 2021, as stated in § 6916, on or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department [DAIL] shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year.

The following provides detail on the eighteen (18) required reporting elements as specified in the Older Vermonters Act.

*(1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years.*

APS received 3,947 reports of maltreatment (abuse, neglect, and/or exploitation) in State Fiscal Year 2024. In SFY23 APS received 3,985; and in SFY22, APS received 3,590.

*(2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision.*

Due to the development of a new information management system that has not yet deployed these data migration and mining capabilities, this data is not yet available for SFY24. DAIL anticipates having access to this data by May 1, 2025, and will provide an addendum to this report with this data once it becomes available.

*(3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days.*

[Field screens are no longer a part of APS practice. Since the statute change on July 1, 2023, the purpose of a field screen has been incorporated within the assessment process.]

*(4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year.*

APS received 873 reports in SFY22 where the alleged maltreatment occurred in a nursing home, residential care home, therapeutic community residence, or assisted living residence. These reports are shared with the State's Survey & Certification component in the event that facility practices may need to be investigated.

*(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means.*

In SFY24, APS received 3,947 reports:

- 237 telephone reports, representing 6%
- 709 e-mail reports, representing 18%

- 2,943 internet reports, representing 75%
- 37 facsimile reports, representing 1%
- 21 reports from other methods, representing less than 1%

*(6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years.*

APS opened 870 cases<sup>1</sup> in SFY24. In comparison, APS opened 894 investigations in SFY23 and 876 investigations in SFY22.

*(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection.*

In SFY24, 71 investigations— representing 8% of all cases that year— involved an alleged victim in a nursing home, residential care home, therapeutic community residence, or assisted living residence.

*(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including: (A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination; (B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and (C) the numbers and percentages of recommended substantiations by type of maltreatment.*

Due to the development of a new information management system that has not yet deployed these data migration and mining capabilities, this data is not yet available for SFY24. DAIL anticipates having access to this data by May 1, 2025, and will provide an addendum to this report with this data once it becomes available.

*(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations.*

Due to the development of a new information management system that has not yet deployed these data migration and mining capabilities, this data is not yet available for SFY24. DAIL anticipates having access to this data by May 1, 2025, and will provide an addendum to this report with this data once it becomes available.

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<sup>1</sup> Under the new APS statute that went into effect July 1, 2023, screened-in APS reports may result in either assessments or investigations, collectively termed "cases."

(10) *data on Adult Protective Services program investigator caseloads, including: (A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years; (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years; (C) average numbers of completed investigations per investigator during the previous fiscal year; and (D) average numbers of completed investigations per week during the previous fiscal year.*

Due to the development of a new information management system that has not yet deployed these data migration and mining capabilities, this data is not yet available for SFY24. DAIL anticipates having access to this data by May 1, 2025, and will provide an addendum to this report with this data once it becomes available.

(11) *the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY24, the Department reviewed 9 decisions not to investigate, of which 5 (66%) decisions by APS were upheld, and 4 (44%) decisions were reversed. By comparison, in SFY23, the Department reviewed 14 decisions not to investigate, of which 10 (71%) decisions by APS were upheld, and in SFY 22, the Department reviewed 26 decisions not to investigate, of which 19 (73%) decisions by APS were upheld.

(12) *the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.<sup>2</sup>*

In SFY24, the Department reviewed zero (0) investigations that resulted in a recommendation for unsubstantiation and upheld zero (0) recommendations (0%). In SFY23, the Department reviewed two (2) investigations that resulted in a recommendation by APS for unsubstantiation, and upheld both recommendations (100%). In SFY22, the Department reviewed one (1) investigation that resulted in a recommendation by APS for unsubstantiation and upheld the recommendation (100%).

(13) *the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years.<sup>3</sup>*

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<sup>3</sup> As of July 1, 2023, the new Vermont APS statute does not allow the Department Commissioner to review their own investigations.



The Commissioner heard one (1) appeal in SFY24 of a recommendation of substantiation. Of this 1 appeal, the Commissioner upheld 0 (0%) and reversed 1 (100%). The Commissioner heard eight (8) appeals in SFY23 of recommendations of substantiation. Of these 8 appeals, the Commissioner upheld 6 (75%) and reversed 2 (25%). The Commissioner heard 19 appeals in SFY22 of recommendations of substantiation. Of these 19 appeals, the Commissioner upheld 13 (68%) and reversed 6 (32%).

*(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY24, 7 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 7 appeals, 5 (71%) recommendations were upheld by the Board and 2 (29%) were overturned. In SFY23, 4 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 4 appeals, 4 (100%) recommendations were upheld by the Board and 0 (0%) were overturned. In SFY22, 9 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 9 appeals, 5 (56%) recommendations were upheld by the Board, and 4 (44%) were overturned.

*(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY24, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court. In SFY23, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court. In SFY22, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court.

*(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry.*

In SFY24, the Department received 11 expungement requests. Of these 11 requests, 5 resulted in expungement and removal from the Adult Abuse Registry, and 11 requests were denied.

*(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY24, 44 individuals were placed on the Adult Abuse Registry. By comparison, in SFY23, 38 individuals were placed on the Adult Abuse Registry, and in SFY22, 41 individuals were placed on the Registry. Again, increased caseloads without additional staff capacity equates to less time per investigation and less opportunity to gather evidence that might lead to a substantiation and registry placement.

*(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.*

In SFY24, 5 individuals were removed from the Adult Abuse Registry.

## Conclusion

In SFY24, APS transitioned to a new State statute with broader protections and services for vulnerable adults. One exception is the explicit omission of “caregiver negligence” from the purview of Vermont APS operations. This omission of caregiver negligence is unknown to occur in any other state’s statute and represents a significant gap in addressing protecting vulnerable Vermonters from maltreatment. Furthermore, a new federal rule requires Vermont to address caregiver negligence to continue to remain eligible for federal funding. DAIL plans to work with the Vermont Legislature in 2025 to address this shortcoming in statute and help bridge this gap for victims of caregiver negligence.

As the reported data elements reflect, reports to APS have increased 115% over the last decade (since the last time staffing levels were adjusted for caseloads). With less staff time devoted to each investigation, substantiation numbers have declined in direct proportion to rising caseloads over time. For the past five years, Vermont APS has identified and made use of Federal limited-service grant funds to add 11 staff to APS to help maintain acceptable operational levels with a focus on victim safety. Nearly all portions of emergency federal funding of these 11 positions will be exhausted in 2025. DAIL has restructured and reallocated some internal funds to keep 4 of these 11 limited-service positions to maintain an adequate level of APS field staff serving vulnerable victims of maltreatment, though this margin of safety could be strained with increased reports to APS over time.

Though some data cited in this report are not yet available due to the development of a new information management system that has not yet deployed these data migration and mining capabilities, DAIL anticipates having access to these data by May 1, 2025, and will provide an addendum to this report with these data once they become available.