

## Division of Licensing and Protection

### Division Philosophy

Balanced and assertive regulation of health care organizations ensure that vulnerable Vermonters receive care with dignity, respect, and independence. When vulnerable Vermonters are maltreated, there should be an effective investigation and protective services put in place to prevent additional harm.

### Division Overview

The Division of Licensing and Protection (DLP) has two branches that work to protect vulnerable adults and individuals receiving care:

- Survey and Certification (S&C) is the State Survey Agency for the State of Vermont. In this role, S&C licenses and certifies health care organizations to ensure they meet minimum state and federal regulatory compliance. Details can be found at: <http://dlp.vermont.gov/survey-cert>
- Adult Protective Services (APS) investigates allegations of abuse, neglect, and exploitation of vulnerable adults and implements protective services, as necessary, to limit future maltreatment. The APS Annual Report can be found at: <http://dlp.vermont.gov/aps/statistical-info>

### Staff and Partners

S&C has 21 employees, 18 of which are Registered Nurses who are federally trained and certified to perform investigations and surveys, 15 of which are home based and travel throughout the state to investigate complaints received and to perform recurring, scheduled surveys. S&C follows federal regulations and procedures developed by the Center for Medicare and Medicaid Services (CMS).

APS has 16 employees, 11 of which are home based investigators who travel throughout the state to investigate allegations of maltreatment of vulnerable adults. APS frequently partners with law enforcement agencies and human service providers in the performance of their investigations.

### Recent Developments and Accomplishments

For the second year in a row, S&C received a perfect score from CMS on their annual performance review. The review is based on an evaluation of S&C's surveys and investigations, and includes on site evaluations by CMS surveyors. This rating shows that the Vermont State Survey Agency is providing timely, appropriate, and balanced oversight to a wide variety of facilities.

## Division of Licensing and Protection

APS continued to develop operating guidelines so that recent improvements can be sustained and built upon. With the assistance of the APS Committee of the DAIL Advisory Board, APS published a new appeals and hearings section of the APS Policy Manual to help ensure consistency in practice. In addition, APS continues to refine its use of data to evaluate program output and performance measurement. These steady developments, while not dramatic in nature, demonstrate consistent progress in managing the program effectively.

### Future Directions

CMS is implementing a new, standardized national survey process for nursing homes. S&C will begin using the new survey process in December 2017. The new process is less prescriptive and predictable than the previous CMS system, and will allow surveyors greater professional leeway in evaluating regulatory compliance of nursing homes.

### Programs and Services

Both S&C and APS work to protect and serve vulnerable adults. Vulnerable adults are individuals who are over 18 years in age and are residents of a facility licensed by S&C, are residents of a psychiatric hospital, recipients of home health services, have a diminished capacity to care for themselves, or a diminished capacity to protect themselves from maltreatment.

- S&C conducts scheduled surveys at health care facilities, and investigates complaints made about the care received in these facilities. The surveys and investigations can result in fines and other corrective action, up to revoking the license of an organization to operate.
- When APS discovers that a person has maltreated a vulnerable adult, that person may be placed on the Adult Abuse Registry, which is used by organizations that serve children and vulnerable adults to check the backgrounds of employees and volunteers.

### Results

- S&C conducted 315 onsite investigations of health care organizations.
- S&C completed 100% of federal surveys on time.
- APS received 3,261 reports alleging the abuse, neglect, or exploitation of vulnerable adults, resulting in 852 investigations.
- APS placed 79 individuals on the Adult Abuse Registry.