

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, and in this role, they license and certify health care organizations to ensure they meet minimum state and federal regulatory compliance.
- Adult Protective Services (APS) investigates allegations of the abuse, neglect, and exploitation of vulnerable adults and implements protective services, as necessary, to limit future maltreatment.

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.

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

S&C received a perfect score from the Center for Medicare and Medicaid Services (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 range of facility types.

Also during this period, APS successfully completed the settlement agreement that had been the result of litigation against the State of Vermont for deficient

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practices. APS showed marked improvements across the full spectrum of their program, as determined by an external file review that measured performance across six quarters. The decision to end the settlement agreement was unanimous and was supported by the litigants who had brought the suit.

Future Directions

APS found the external review process to be so beneficial they have continued the practice after the settlement agreement. The reviews have greatly enhanced APS' performance improvement process, and Vermont's APS program is the only one in the nation to conduct voluntary external reviews.

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, as well as investigating complaints made about the care received in these facilities. Their 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 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 578 onsite investigations of health care organizations.
- S&C completed 100% of federal surveys on time.
- APS received 3,835 reports alleging the abuse, neglect, or exploitation of vulnerable adults, resulting in 1,139 investigations.
- APS placed 31 individuals on the Adult Abuse Registry.