

DAIL's Division of Licensing & Protection

Addressing Abuse, Neglect and Exploitation of
Vulnerable Adults in Vermont

Two key factors to consider: Vulnerability & Maltreatment

All reports to APS must establish:

1. *Vulnerability* of the alleged victim, and
2. *Abuse, neglect, and/or exploitation* may have occurred

Without both of these factors in play, APS does not have statutory authority to open an investigation.

Who is a Vulnerable Adult in Vermont?

- Both S&C and APS work to protect and serve vulnerable adults.
- Clear indicators:
 - Is the patient a resident of a long-term care facility licensed by the state?
 - A resident of a psychiatric hospital?
 - A recipient of home health services?
- More nuanced indicators:
 - Does the patient require assistance with their activities of daily living (ADLs) or instrumental activities of daily living (IADLs)?
 - Does the patient have a limited ability to protect themselves from maltreatment because of a disability or the infirmities of aging?

If the answer to any of these questions is “Yes,” and the person is 18 years old or older, then they may be considered a vulnerable adult

What is Maltreatment in Vermont?

Three categories:

1. Abuse
2. Neglect
3. Exploitation

What do All Three Maltreatment Types Have in Common?

- All require the involvement of a person who could be identified as an alleged perpetrator

What is Not Considered Maltreatment?

- Failure on the part of a vulnerable adult to provide for their own care

When to File a Report with DLP?

- For Mandatory Reporters:
 - Within 48 hours of *suspecting* a vulnerable adult is being maltreated
 - Within 48 hours of receiving information indicating a vulnerable adult is being maltreated (even if you don't believe it)
- For everyone else:
 - Although a report is not mandatory, APS recommends you file a report as soon as possible when you suspect a vulnerable adult is being maltreated

What Happens When You Make a Report?

- Intake and screening staff will determine if an allegation of maltreatment rises to the level of an investigation, or if an assessment needs to be made to gather more information.
- If decision is made not to investigate, you will receive a letter notifying you of this decision.
- You will have an opportunity to request a review of the screening decision if you feel it was made erroneously. The review will be conducted by the DAIL Commissioner to avoid a conflict of interest with APS' initial determination.

How does the Adult Abuse Registry work?

- The Adult Abuse Registry is a confidential list of names of individuals who have been substantiated for maltreating a vulnerable adult, either through an APS investigation or through conviction of criminal charges.
- Approximately 50-100 names are added to the registry each year.
- Only verified employers who hire staff working with vulnerable adults may check if the name of a current employee or potential hire is on the registry. Last year, over 54,000 names were submitted for registry checks by employers.
- Employers must verify their status as an employer in Vermont before they are allowed to submit registry checks.
- When APS adds a name to the registry, any known employers are notified of that individual's placement on the registry.

Additional DLP Services addressing Abuse, Neglect and Exploitation of Vulnerable Adults

- Assessments and Service Navigators
- Restorative Justice
- Relief from Abuse
- Guardianship

Bills have been introduced jointly in the Vermont House and Senate (H.171 and S.51) to update the APS statute to expand on all of these services.

Questions?

Extra slides for reference

How to Report Maltreatment to APS?

- Make an online report at: www.dlp.vermont.gov
 - This is the preferred method, as the screen prompts help ensure a more complete report and the data is uploaded directly into APS' investigation management system
- Phone in a report at: (800) 564-1612
- Fax in a report at: (802) 241-0342
- Scan a report and Email to aps@vermont.gov

What About Failures of Systems at Health Care Facilities?

- The Vermont State Survey Agency ensures that hospitals, long term care facilities, home health agencies, and other provider types are meeting their regulatory obligations in patient/resident care
 - AHS.DAILSCIntake@vermont.gov
 - (888) 700-5330
- Adult Protective Services does not investigate allegations that a facility as a whole is not meeting the needs of patients/residents

Goal

The purpose of this training is to help you identify, recognize, and refer the maltreatment of vulnerable adults.

The objective is to become aware of...

...your unique role in recognizing maltreatment

...vulnerability status

...when reporting maltreatment is required

...how to make reports to APS

...what happens after a report is made to APS

...resources available to you

Your Unique Role

Vermont State law recognizes health care providers and their support staff intersect with patients and/or their caregivers

State law establishes Vermont health care providers and staff as partners in identifying, reporting and preventing the maltreatment of vulnerable adults.

What is Abuse?

- Physical Abuse
- Emotional Abuse
- Unnecessary or Unlawful Confinement
- Sexual Abuse

What is Neglect?

Purposeful or reckless failure of a **caregiver** to:

- Provide care to a vulnerable adult
- Arrange for services necessary for health and safety of a vulnerable adult
- Follow a plan of care for a vulnerable adult when failure could threaten their health and safety (even if there was no actual harm)
- Notify appropriate individuals of significant changes in health status
- Protect a vulnerable adult from maltreatment

What is Exploitation?

- Theft
- Acquiring possession or control of funds or property
- Compelling a vulnerable adult to perform services against their will
- Any sexual activity with a vulnerable adult who cannot give consent

What about Self-Neglect?

What if a vulnerable adult fails to satisfy their own basic needs or protect themselves from harm?

- APS does not have statutory authority to investigate allegations of self neglect.
- APS will make referrals based upon the individual specific circumstance and location.

Common Situations that May Lead to Maltreatment

- Isolation
- Caregiver fatigue
- Financial dependencies
- Cycles of abuse
- Addiction

Red flags and Causes for Concern

- Frequent cancellations of appointments
- Threatening, intimidating, or bullying behavior by caregivers
- Perceived patient fear
- Prevented patient communication
- Attempts to limit one-on-one patient interactions with medical staff
- Resistance by family members to medical services

Who is Required to Report Maltreatment?

- 33 V.S.A. § 6903 describes who Vermont considers Mandatory Reporters.
 - All licensed health care professionals
 - Anyone providing care that is paid for with state funds
 - Any employee of an organization that primarily serves vulnerable adults
- In addition, organizations may issue policies that expand who is required to report

Reporting online at www.dlp.vermont.gov is the fastest way to complete a report with APS

← → ↻ 🏠 📄 https://fw1.harmonyis.net/VTDAILLiveIntake/ ☆ ⚙️ 🔍 📄

Vermont Adult Protective Services Report

Reporter Information Copy Address From Spell Check Submit Cancel

▶ If this is a report from a staff member at a facility, please fill out using facility information. If the reporter is not part of the facility, the facility information should not be used.

Anonymous Report?

Mandated Reporter

Agency/Facility Name Your Title

Your First Name **required** Last Name **required** Middle Initial

Address Type

Street Address of your Agency/Facility **required**

Apartment/PO Box Number

City **required** Clear State **required** Clear Zip Code **required** Clear

Residency County **required** Clear

Contact Phone Number **required** ? Ext. Phone Type **required**

Secondary Phone Number Ext. Phone Type

Email Address ?

Gender

Date of Birth ? Approximate Age

Relationship to Alleged Victim **required** ? Relationship to Incident **required** ?

Best time to contact you or an alternative contact name and phone number ?

1000 characters remaining

Are you at risk from the Alleged Perpetrator?

Incident Information

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What Happens During an APS Investigation?

- An investigator will attempt to contact you to gather information
- The investigator will conduct a face-to-face interview with the alleged victim
- The investigator will attempt to interview the alleged perpetrator, witnesses, and gather other evidence
- Investigations are normally completed within 120 days
- APS will either substantiate a claim of maltreatment or not
- You will receive written notification of the outcome at the conclusion of the investigation
- You will have the opportunity to request a review of the investigation outcome if you feel it was made erroneously

What happens after an alleged perpetrator (AP) is recommended for substantiation?

- The AP is sent notice through certified mail along with the evidence which formed the basis of the recommendation.
- The AP has 3 opportunities to appeal up to the Vermont Supreme Court.
- Once appeal rights have been exhausted, if the recommendation for substantiation is upheld, the AP's name will be added to the Adult Abuse Registry.

APS cannot perform these functions

- APS does not have the authority to file criminal charges
- APS does not have authority to implement protective services against the will of the vulnerable adult and/or their guardian
- APS does not have the authority to engage with self-neglecting individuals
- APS does not provide case management or other long term services

Resources Available to You

- Law Enforcement (APS does not provide emergency response)
- Vermont 2-1-1
- The Vermont Area Agencies on Aging (800) 642 5119
- [add other numbers based on audience]

Activity: Strategies When You Believe There May Be Maltreatment

- [Work with group to develop strategies UVMHC staff can use to help them if they suspect maltreatment, such as strategies for speaking privately with a vulnerable adult.]