

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 582 entitled “An act relating to adult protective services” respectfully reports
4 that it has considered the same and recommends that the bill be amended by
5 striking out all after the enacting clause and inserting in lieu thereof the
6 following:

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 33 V.S.A. § 6902 is amended to read:

9 § 6902. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (21)(A) “Neglect” means ~~purposeful, knowing, or reckless failure or~~
13 ~~omission by a caregiver that has resulted in, or could be expected to result in,~~
14 ~~physical or psychological harm, including a failure or omission to:~~

15 ~~(i) provide care or arrange for goods or services necessary to~~
16 ~~maintain the health or safety of a vulnerable adult, including food, clothing,~~
17 ~~medicine, shelter, supervision, and medical services, unless the caregiver is~~
18 ~~acting pursuant to the wishes of the vulnerable adult or the vulnerable adult’s~~
19 ~~representative, or an advance directive, as defined in 18 V.S.A. § 9701;~~

1 ~~(ii) make a reasonable effort, in accordance with the authority~~
2 ~~granted the caregiver, to protect a vulnerable adult from abuse, neglect, or~~
3 ~~exploitation by others;~~

4 ~~(iii) carry out a plan of care for a vulnerable adult unless the~~
5 ~~caregiver is acting pursuant to the wishes of the vulnerable adult or the~~
6 ~~vulnerable adult's representative, or an advance directive, as defined in 18~~
7 ~~V.S.A. § 9701; or~~

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

14 (B) Neglect "Neglect" does not include self-neglect.

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

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

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

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

* * *

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

(27) “Reporter” means the person who has submitted a report to Adult Protective Services or to a licensing entity in accordance with section 6904 of this chapter.

(28) “Representative” means a court-appointed guardian, an agent acting under an advance directive ~~executed pursuant to 18 V.S.A. chapter 231~~, or an agent under a power of attorney, unless otherwise specified in the terms of the power of attorney.

* * *

(35) “Advance directive” has the same meaning as in 18 V.S.A. § 9701.

(36)(A) “Fiduciary” means an individual or entity with the legal responsibility to:

(i) make decisions on behalf of and for the benefit of another individual; and

(ii) act in good faith and with fairness.

(B) The term “fiduciary” includes a trustee, guardian, conservator, executor, agent under a power of attorney or an advance directive, or representative payee.

1 Sec. 2. 33 V.S.A. § 6904 is amended to read:

2 § 6904. NATURE AND CONTENT OF REPORT; TO WHOM MADE

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

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

5 (A) Neglect within a licensed facility or program shall be reported to
6 the applicable State licensing unit in accordance with State and federal
7 licensing rules and regulations.

8 (B) Neglect by an individual licensed by the Office of Professional
9 Regulation shall be reported to the Office of Professional Regulation.

10 (C) Neglect by an individual licensed by the Board of Medical
11 Practice shall be reported to the Board of Medical Practice.

12 (2) If a licensing entity identifies neglect allegedly perpetrated within a
13 licensed facility or program or by a licensed individual, the licensing entity
14 shall make a report to Adult Protective Services.

15 Sec. 3. 33 V.S.A. § 6906 is amended to read:

16 § 6906. ASSESSMENT AND INVESTIGATION

17 * * *

18 (c) Investigation.

19 * * *

20 (10) Within 30 calendar days after the date of the notice advising that a
21 report has been substantiated, an alleged perpetrator against whom a complaint

1 has been lodged may apply to the Human Services Board for relief on the
2 grounds that it is unsubstantiated. The Human Services Board shall hold a fair
3 hearing under 3 V.S.A. § 3091 within 60 calendar days after the date of the
4 alleged perpetrator's request for a fair hearing. ~~Unless the Commissioner~~
5 ~~agrees otherwise, the hearing shall be given priority by the Human Services~~
6 ~~Board, and an expedited hearing shall be provided, not later than 30 calendar~~
7 ~~days after the date of the notice advising that a report has been substantiated,~~
8 ~~and a decision shall be issued within seven calendar days after the hearing.~~
9 Priority shall be given to appeals in which there are immediate employment
10 consequences for the person appealing the decision. The hearing officer's
11 written findings and recommendation shall be issued within 15 calendar days
12 after the hearing.

13 * * *

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on October 1, 2026.

16
17
18 (Committee vote: _____)

19 _____
20 Representative _____
21 FOR THE COMMITTEE