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H.761

Introduced by Representatives Haas of Rochester, French of Randolph, and
McFaun of Barre Town

Referred to Committee on

Date:

Subject: Human services; adult protective services; Vulnerable Adult Fatality
Review Team

Statement of purpose of bill as introduced: This bill proposes to establish a
Vulnerable Adult Fatality Review Team.

An act relating to the creation of a Vulnerable Adult Fatality Review Team

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

Sec. 1. 33 V.S.A. chapter 69, subchapter 3 is added to read:

Subchapter 3. Vermont Vulnerable Adult Fatality Review Team

§ 6961. VERMONT VULNERABLE ADULT FATALITY REVIEW TEAM

ESTABLISHED

(a) Creation. There is created a Vermont Vulnerable Adult Fatality Review
Team (Team).

(b)(1) Membership. The Team shall comprise the following members or
their designees:

(A) the Chief Medical Examiner;

1 (B) an investigator from the Office of the Chief Medical Examiner;

2 (C) the Director of the Medicaid Fraud and Residential Abuse Unit of
3 the Office of the Attorney General;

4 (D) an investigator from the Medicaid Fraud and Residential Abuse
5 Unit of the Office of the Attorney General;

6 (E) the State Survey Agency Director in the Department of
7 Disabilities, Aging, and Independent Living (DAIL);

8 (F) the DAIL Adult Protective Services Program Chief;

9 (G) the State Long-Term Care Ombudsman;

10 (H) the Director of the Vermont Office of Emergency Medical
11 Services and Injury Prevention;

12 (I) a representative from the Vermont State Police;

13 (J) a representative of victim services, appointed by the Attorney
14 General;

15 (K) a local law enforcement officer, appointed by the Attorney
16 General;

17 (L) a gerontologist or geriatrician, appointed by the Attorney
18 General;

19 (M) a representative from an advocacy group for persons who are
20 elderly or disabled, appointed by the Attorney General.

1 (2) Additional persons may be invited to assist the Team when the
2 services of those persons are appropriate to a particular case, and shall be
3 considered adjunct members of the Team for the duration of the review of the
4 case.

5 (3) All members of the Team shall serve for a term of three years,
6 except adjunct members as described in subdivision (2) of this subsection.
7 Any vacancy on the Team shall be filled in the same manner as the original
8 appointment. The replacement member shall serve for the remainder of the
9 unexpired term.

10 (c) Meetings.

11 (1) The Attorney General or designee shall call the first meeting of the
12 Team, which shall occur on or before September 30, 2014.

13 (2) The Team shall select a chair and vice chair from among its
14 members at the first meeting, and annually thereafter. The Vice Chair shall
15 also serve as Secretary.

16 (3) The Team shall meet at such times as may reasonably be necessary
17 to carry out its duties, but at least once in each calendar quarter.

18 (d) The Team shall have the administrative, technical, and legal assistance
19 of the Office of the Attorney General.

1 § 6962. POWERS AND DUTIES

2 (a)(1) The Team shall develop and implement policies to ensure that the
3 deaths of vulnerable adults in Vermont are analyzed using uniform procedures
4 established by the Team. The Team may review the death of any person who
5 meets the definition of a vulnerable adult in subdivision 6902(14) of this
6 title and:

7 (A) was the subject of an adult protective services investigation;

8 (B) whose death came under the jurisdiction of, or was investigated
9 by, the Office of the Chief Medical Examiner; or

10 (C) whose death was due to abuse or neglect or acts suggesting abuse
11 or neglect.

12 (2) The Team shall not initiate an adult death review until the conclusion
13 of any law enforcement investigation or criminal prosecution.

14 (b) Beginning in 2015, the Team shall compile an annual report by
15 October 1 of each year that shall be provided to the Governor and the General
16 Assembly. The annual report shall include the Team's activities for the
17 preceding year, any changes to its uniform procedures, and any policy,
18 regulatory, or budgetary recommendations developed by the Team.

19 § 6963. CONFIDENTIALITY

20 (a) All information obtained or generated by the Team regarding a case
21 review is confidential and exempt from public inspection and copying under

1 the Public Records Act, and shall not be released. Such information shall not
2 be subject to subpoena or discovery or be admissible in any civil or criminal
3 proceedings; provided, however, that nothing in this subdivision shall be
4 construed to limit or restrict the right to discover or use in any civil or criminal
5 proceedings anything that is available from another source and entirely
6 independent of the Team's review.

7 (b) The aggregate findings of the Team may be disclosed or published in
8 statistical form, but shall not identify or allow for the identification of any
9 individuals.

10 (c) Meetings during which the Team reviews a specific death shall be
11 exempt from the Vermont Open Meeting Law. Team members and persons
12 attending Team meetings shall not reveal information, records, discussions,
13 and opinions disclosed during meetings at which the Team reviews a specific
14 death, and shall execute a sworn statement to honor the confidentiality of such
15 information, records, discussions, and opinions.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2014.