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**Report to**  
**The Vermont Legislature**

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**Adult Protective Services Annual Report  
For State Fiscal Year 2022**

**In Accordance with 33 V.S.A. § 6916**

**Submitted to: The House Committee on Human Services and the  
Senate Committee on Health and Welfare**

**Submitted by: Monica White, Commissioner,**  
**Department of Disabilities, Aging, and Independent Living**

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[33 V.S.A. § 6916 Older Vermonters Act:](#)

Adult Protective Services Annual Report for State Fiscal Year 2022

**Executive Summary**

Adult Protective Services (APS) is one of two branches in the Department of Disabilities, Aging and Independent Living (DAIL's) Division of Licensing and Protection (the other being the Survey and Certification survey and regulatory component). APS investigates allegations of abuse, neglect, and exploitation of vulnerable adults and implements protective services, as necessary, to limit future maltreatment. APS currently has 24 employees, including 9 investigators who travel throughout the state to investigate allegations of maltreatment. APS frequently partners with law enforcement agencies and human service providers in the performance of their investigations.

APS continues to value our work with volunteers and community partners on the APS Committee of the DAIL Advisory Board and through the file review process. During file reviews, individuals on the APS Committee review reports and investigations to provide feedback on current process and practice; increasing transparency into our work as an investigative body for the protection of vulnerable adults.

Adult Protective Services (APS) was awarded a one-million dollar grant in 2020 by the HHS Administration for Community Living (ACL) to provide Restorative Justice case services towards lowering the re-victimization rates of vulnerable adults, as well as lowering the recidivism rates of perpetrators of maltreatment. The Restorative Justice pilot program in APS has demonstrated success, and ACL has offered to fund the pilot program for one additional year, awarding a supplement of \$204,750 additional funds to extend the performance period through late FFY 2023 with the option for a no-cost extension beyond that. Additionally, APS received notice from ACL regarding two other awards received in FFY 2021: \$704,000 through Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and \$645,000 through the American Rescue Plan Act (ARPA). ACL provided notice that the same award could be anticipated again in early SFY 2023 with a project period ending in late FFY 2024. These additional award amounts are expected to be equal to this year's CRRSA and ARPA awards. These awards fund APS Service Navigators to better identify vulnerable adults in Vermont and connect them to needed services, the building of a new data library, purchase of remote work equipment, personal protective equipment, and training opportunities for staff.

[Act 46 of 2013](#) required the Secretary of the Agency of Human Services to submit an annual report to the Legislature through January 2018. Although the requirements of Act 46 sunset, DAIL continued to provide the requested information to the Legislature annually, to ensure transparency and accountability. Annual reporting from APS now continues through a requirement in the Older Vermonters Act to provide the following reporting elements. The improvements in Vermont's APS programs in recent years have been well-documented; that

progress has been a result of building and maintaining collaborative partnerships and continuous efforts to improve both policy and practice.

## Reporting Elements

[33 V.S.A. § 6916 Older Vermonters Act](#) requires that, on or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department [DAIL] shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year. The following provides detail on the eighteen (18) required reporting elements as specified in the Older Vermonters Act.

*(1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years.*

APS received 3,590 reports of maltreatment (abuse, neglect, and/or exploitation) in State Fiscal Year 2022 (SFY22). In SFY21 APS received 3,461; and in SFY20, APS received 3,649.

*(2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision.*

APS responded to reports within a median 2.74 calendar days in SFY22. This median number is calculated by the time elapsed between the report date/time and resolution date/time of that report.

*(3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days.*

In SFY22, 172 reports received by APS required a Field Screen, an extension of the screening process where an APS Investigator gathers additional information in order to determine if an investigation should be opened. 39% of the resulting Field Screens were completed within 10 calendar days of receipt of report. This is a significant decrease from the previous fiscal year, where 69% of Field Screens were completed within 10 calendar days. This is due to the addition of new Service Navigator staff, who can provide continuing case services while a Field Screen is active, often extending the timeframe past 10 days for vulnerable adults who may require additional services from APS.

*(4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year.*

APS received 675 reports in SFY22 where the alleged maltreatment occurred in a nursing home, residential care home, therapeutic community residence, or assisted living residence. These reports are shared with the State's Survey & Certification component in the event that facility practices may need to be investigated.

*(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means.*

In SFY22, APS received 3,590 reports:

- 675 telephone reports, representing 19%
- 456 e-mail reports, representing 13%
- 2,395 internet reports, representing 67%
- 52 facsimile reports, representing 1%
- 12 reports from other methods, representing less than 1%

*(6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years.*

APS opened 876 investigations in SFY22. In comparison, APS opened 616 investigations in SFY21 and 639 investigations in SFY20.

*(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection.*

In SFY22, 122 investigations— representing 14% of all investigations that year— involved an alleged victim in a nursing home, residential care home, therapeutic community residence, or assisted living residence.

*(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including: (A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination; (B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and (C) the numbers and percentages of recommended substantiations by type of maltreatment.*

In SFY22, there were 117 investigations with combined multiple allegations of abuse, neglect, or exploitation, representing 13% of the total 876 investigations that year.

Investigations that resulted in a recommendation of unsubstantiation by APS for each type of maltreatment were:

- Abuse = 162, representing 18% of 876
- Exploitation = 178, representing 20% of 876
- Neglect = 142, representing 16% of 876

Investigations that resulted in a recommendation of substantiation by APS for each type of maltreatment, including cases that were overturned in appeal and/or the recommendation was rejected, were:

- Abuse = 10, representing 1% of 876
- Neglect = 10, representing 1% of 876
- Exploitation = 31, representing 3% of 876

*(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations.*

In SFY22, 825 investigations were completed in a timely manner in accordance with the APS Policy Manual, representing 94% of all APS investigations in that year.

*(10) data on Adult Protective Services program investigator caseloads, including: (A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years; (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years; (C) average numbers of completed investigations per investigator during the previous fiscal year; and (D) average numbers of completed investigations per week during the previous fiscal year.*

In SFY22, the average daily caseload of each APS investigator was 26, continuing an increasing trend due to increased investigation numbers and protracted investigations. By comparison, the average daily caseloads per investigator was 16 in SFY21 and 13 in SFY20.

The average daily open caseloads across all of APS in SFY22 was 205. By comparison, the average daily open caseloads in SFY21 were 125, and in SFY20 was 121.

The average number of completed investigations per investigator in SFY22 was 70. By comparison, the average number of completed investigations in SFY21 was 79, and SFY 20 was 77.

The burden of higher, protracted caseloads over time has resulted in fewer cases being completed in a week. The average number of completed investigations per week in SFY22 was eleven (11). By comparison, the average number of investigations completed weekly in SFY21 was twelve (12), and SFY20 was thirteen (13).

*(11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY22, the Department reviewed 26 decisions not to investigate, of which 19 (73%) decisions by APS were upheld, and 7 (27%) decisions were reversed. By comparison, in SFY21, the Department reviewed 11 decisions not to investigate, of which 6 (55%) decisions by APS were upheld, and in SFY 20, the Department reviewed 51 decisions not to investigate, of which 33 (65%) decisions by APS were upheld, and 18 (35%) decisions were reversed.

*(12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY22, the Department reviewed one (1) investigation that resulted in a recommendation by APS for unsubstantiation and upheld the recommendation (100%). By comparison, in SFY21, the Department reviewed zero (0) investigations that resulted in a recommendation by APS for unsubstantiation, and in SFY20, the Department reviewed 3 investigations that resulted in a recommendation by APS for unsubstantiation and upheld 3 (100%) of these recommendations.

*(13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

The Commissioner heard 19 appeals in SFY22 of recommendations of substantiation. Of these 19 appeals, the Commissioner upheld 13 (68%) and reversed 6 (32%). By comparison, the Commissioner heard 19 appeals in SFY21 of recommendations of substantiation. Of these 19 appeals, the Commissioner upheld 7 (37%) and reversed 12 (63%). In SFY20 the Commissioner heard 32 appeals, and of these 32 appeals, the Commissioner upheld 15 (47%) and reversed 17 (53%) of these recommendations.

*(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY22, 9 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 9 appeals, 5 (56%) recommendations were upheld by the Board, and 4 (44%) were overturned. By comparison, in SFY21, 6 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 6 appeals, 3 (50%) recommendations were upheld by the Board, and 3 (50%) were overturned. In SFY20, 17 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 17 appeals, 10 (59%) recommendations were upheld by the Board, and 7 (41%) were overturned.

*(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY22, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court. There were also zero (0) appeals that concluded with the Court in both SFY21 and SFY20.

*(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry.*

In SFY22, the Department received 9 expungement requests. Of these 9 requests, 5 resulted in expungement and removal from the Adult Abuse Registry, and 4 requests were denied.

*(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY22, 41 individuals were placed on the Adult Abuse Registry. By comparison, in SFY21, 55 individuals were placed on the Adult Abuse Registry, and in SFY20, 97 individuals were placed on the Registry.

*(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.*

In SFY22, 5 individuals were removed from the Adult Abuse Registry.

## **Conclusion**

In SFY22, APS continued to balance its mission with its new focus on Restorative Justice and Service Navigation grant efforts alongside the continuing challenges of COVID-19. Increasing

reporting and investigation numbers have presented additional challenges to APS, where funding and staffing levels have remained level-funded for nearly a decade. APS investigator caseloads continue to climb, allowing for less time per investigation. Additionally, ambiguity and differing interpretations by the Human Services Board of legal evidentiary standards in the APS statute have resulted in discrepancies in reviewing and interpreting APS recommendations, lowering the substantiation rate to nearly 5% and emphasizing the need for clearer statutory language. Thankfully, Federal relief funding has kept APS resourced to meet its statutory requirements in the short-term, though these funds are slated to end in FFY 2024. To meet these current and future challenges, APS will continue to collaborate with other departments in AHS to host virtual gatherings to inform community partners and service providers about the role, responsibility, and statutory authority of APS.

To this end, APS continues to work closely with the DAIL Advisory Board's APS Committee to review Vermont's current APS Statute and to consider needed changes to align with national trends and best practices. Vermont demographics and structure for service delivery have changed dramatically since the statute was passed nearly half a century ago; at that time, most of the care provided to vulnerable adults was provided in institutional settings. Now many more vulnerable adults are receiving care in home and community-based settings, provided by a range of different service providers and family caregivers. That change in settings generates a need for review and possible revision of the current statutes. The APS Committee held monthly statute review meetings throughout SFY 22 and identified nine major areas where the current APS statute and operations are not in alignment with national standards and recognized best practices for protecting vulnerable adults. These major areas include:

- Victim Rights
- Proportional Funding
- Self-Neglect
- Definitions
- Adult Abuse Registry
- Reporting requirements and Info Sharing
- Discretionary Powers and Differentiated Response
- Evidentiary Standards
- Review and Appeal Rights

DAIL leadership, in partnership with the APS Committee and community stakeholders, will propose new statutory language to 33 V.S.A. Chapter 69 in this legislative session, to ensure that APS is able to continue to protect vulnerable adults whose health or welfare is at risk due to abuse, neglect or exploitation.