

**CORRECTIVE ACTION PLAN**  
**VERMONT DEPARTMENT OF DISABILITIES,**  
**AGING AND INDEPENDENT LIVING**  
**ADULT PROTECTIVE SERVICES**  
**MAY 15, 2011 to DECEMBER 31, 2011**

**BACKGROUND AND EXPECTATIONS:**

The Department of Disabilities, Aging and Independent Living (DAIL) agrees that investigations of allegations of abuse, neglect and exploitation of vulnerable adults had not proceeded as described under the statute. 33 V.S.A. § 6901 *et seq.* Adult Protective Services (APS) must maintain statutory compliance. To do so requires ongoing attention to staffing needs, supervision, and adequate policies, procedures and monitoring for quality assurance. Vermont Legal Aid, Inc. and Disability Rights Vermont agree that this plan constitutes an important step forward in remedying the current situation

**ACTION PLAN**

**A. ADDRESS THE BACKLOG IN INVESTIGATIONS<sup>1</sup>**

DAIL will implement necessary strategies to progressively reach the goal of eliminating the backlog of uninvestigated, unassigned cases by October 1, 2011.

1. DAIL will re-contact by telephone or in person the reporter in all uninvestigated cases that are awaiting assignment by May 15, 2011 in order to establish the case priority status (1, 2, or 3).
2. From now until the backlog and queue are completely eliminated, DAIL will re-contact by telephone or in person the reporter in all cases that are awaiting assignment more than 60 days in order to re-establish the case priority status (1, 2, or 3).
3. Priority 1 and 2 cases will be referred to an investigator and an interview will occur with the victim within 24 or 48 hours, respectively. As a temporary measure until September 1<sup>st</sup>, only Priority 3 cases will be placed in the queue of unassigned cases. These Priority 3 cases will be assigned based on geography, chronology and staffing.

---

<sup>1</sup> Although APS has identified two types of cases that have not been assigned for investigation (backlog and queue), for purposes of this document we group them together and refer to these as the backlog in investigations.

4. The Department is committed to clearing out priority 3 cases by October 1, 2011 and to keeping up with the flow of cases so as to avoid backlogs, queues, and other delays in assignment of appropriate cases to an investigator.

5. DAIL will employ sufficient temporary, part-time, or permanent staff as necessary to remain in compliance with statutory mandates.

6. By October 1, 2011, within 48 hours from receipt of the initial phone call (excluding week-ends and holidays), all cases will have initial contact with the reporter and be assigned to an investigator, and have an initial contact with the victim as indicated.

## **B. PROTOCOLS**

DAIL will develop protocols for the investigation and substantiation of reports of abuse, neglect and exploitation. DAIL will accept input from VLA and DRVT regarding the forms, procedures, protocols and screening tool. DAIL will ensure that agreed-upon changes to all forms and procedures are consistently implemented.

These protocols will include requirements that:

1. Phone calls to the APS "hotline" or reporting number will be answered or a return call placed by APS staff within 48 hours of APS receiving the call; week-end, holiday and evening coverage of the APS hotline will be provided by DCF's crisis line.

2. All reports will be investigated when there is a credible allegation of abuse of a vulnerable person;

3. Investigators will speak in-person with the alleged victim in all cases, unless speaking with the alleged victim would jeopardize the health, welfare or safety of the vulnerable adult;

4. All cases are "substantiated" when it is determined after investigation that the report is based upon accurate and reliable information that would lead a reasonable person to believe that the vulnerable adult has been abused, neglected, or exploited;

5. Protective services will be provided in accordance with a written plan, upon consent of the vulnerable adult. The protocol will include instructions on how protective services will be provided;

6. Maximum per-investigator caseload guidelines will be defined that allow APS to carry out quality investigations that meet statutory mandates;

7. In abuse and neglect cases, the investigation will be completed within 30 days, and in exploitation cases the investigation will be completed within 60 days, unless established criteria are met that allow for additional time;

8. A revised protocol between DCF and DAIL describing the after-hour handling of calls will be developed regarding provision of urgent night time, holiday, and weekend coverage of calls and provision of services by September 1, 2011.

9. Protocols will be compiled into a casework manual.

### **C. REGULATIONS**

Vermont Legal Aid and Disability Rights Vermont believe that adoption of regulations that implement Chapter 69 of Title 33 of the Vermont Statutes is essential to developing a working system. DAIL does not agree. Therefore, discussion of this topic will continue in other forums.

### **D. IMPLEMENTATION, TRAINING AND MONITORING**

1. DAIL will review all form notices to victims and reporters to make sure that they are clear, and that they comply with the language and requirements of the statute by September 1, 2011. DAIL will review all screening tools to make sure that they are clear, and that they comply with the requirements of the statute by September 1, 2011. DAIL will seek input from VLA and DRVT on the content of the notices and screening tool.

2. DAIL will develop a plan for training APS staff regarding all relevant statutory and regulatory provisions, protocols, and procedures for investigating reports of abuse, neglect and exploitation of vulnerable adults as well as for providing remedial services and referrals to law enforcement officials by September 1, 2011. DAIL will provide an opportunity for VLA and DRVT to provide input on the training plan prior to implementation.

3. Until at least December 31, 2011 all closed investigations will be reviewed by the APS Program Chief. Until at least December 31, 2011 the APS Program Chief will audit and review 10% of cases that are "screened out" by the Intake Specialist as not requiring investigation.

4. DAIL will allow a panel that will include DRVT and VLA to audit and review a representative sample of intake calls that were not investigated, and reports where the investigation has been completed and unsubstantiated, for quality assurance. APS will develop a protocol for audit and review by the panel that will ensure confidentiality of protected information. This audit and review will occur quarterly until December, 2012. In addition, DAIL will give the expert conducting the independent evaluation of the

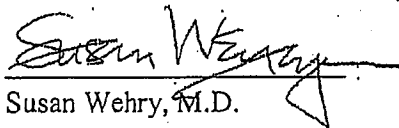
Adult Protective Services program an opportunity to recommend what a good investigative model would be.

5. DAIL will seek an independent, comprehensive evaluation from an organization with national credentials on future design for a Vermont APS system modeling best practices by September 1, 2011. DAIL will seek VLA and DRVT input on both the substance of the evaluation and the evaluator. The evaluation will be completed by December 31, 2011:
6. DAIL will issue a monthly report on the status of the backlog and of the queue.
7. DAIL will issue a bi-monthly report detailing progress under this Corrective Action Plan.
8. DAIL will meet monthly with VLA and DRVT from May 15, 2011 until December 31, 2011 to monitor progress, unless otherwise mutually agreed. These meetings will be alternate between in-person and over-the-phone.
9. By May 30, 2011 APS will form an Advisory Committee of interested stakeholders. This committee will meet quarterly until at least December, 2012.
10. Before November 15, 2011 DAIL shall review its progress with VLA and DRVT and discuss whether or not a successor agreement is needed.

Nothing in this plan shall limit the right of any vulnerable adult to seek relief from DAIL or from any court for the failure of DAIL to process a complaint of abuse, neglect and exploitation in accordance with state and federal law. This agreement does not preclude continued advocacy for a robust and comprehensive system for addressing the abuse, neglect and exploitation of vulnerable adults.

Dated this 31<sup>st</sup> day of May, 2011 at Waterbury, Vermont.

Signature:

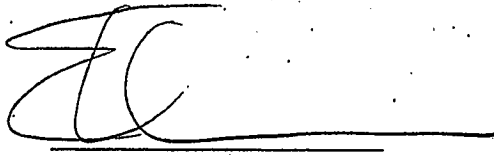


Susan Wehry, M.D.

Commissioner

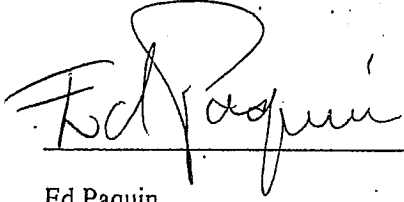
Vermont Department of Disabilities, Aging, and Independent Living

Signature:

A handwritten signature in black ink, appearing to be 'EA', written over a horizontal line.

Eric Avildsen  
Executive Director  
Vermont Legal Aid, Inc.

Signature:

A handwritten signature in black ink, appearing to be 'Ed Paquin', written over a horizontal line.

Ed Paquin  
Executive Director  
Disability Rights Vermont