

**CONFIDENTIAL**

## **LEGISLATIVE BILL REVIEW FORM: 2016**

**Bill Number:** H.46/S.40

**Name of Bill:** Vulnerable Adult Fatality Review Team

**Agency/ Dept:** AHS/DAIL

**Author of Bill Review:** Clayton Clark (with VDH input from Tracy Dolan)

**Date of Bill Review:** May 19, 2016

**Related Bills:** H.46/S.40 Introduced with same text

**Key Players:** Senator Pollina; Representatives Haas, French and McFaun

**Status of Bill: (check one):** **As passed both houses and ready for governor signature**

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**Recommended Position:** Support

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### **Analysis of Bill**

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**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

This bill creates a team that will review the deaths of vulnerable adults, issue an annual report, and search for systematic improvements that could prevent future deaths. It will attempt to improve the communication and collaboration among agencies that work with the vulnerable adult population, with the ultimate goal of decreasing the number of preventable deaths within this population. By reviewing preventable deaths in a multidisciplinary group, the expectation is that agencies will learn from each other, identify system gaps, have the legal authority to share information, and make recommendations to improve the safety of the vulnerable population

**2. Is there a need for this bill?** *Please explain why or why not.*

Yes.

Adult fatality review teams are seen as adding value to the public good by creating greater collaboration between providers, raising the awareness of the needs of vulnerable adults in the community and promoting greater interest in advocacy. There is evidence from efforts in other states this can lead to systems improvements that result in improved outcomes for vulnerable adults. The teams would also provide an opportunity to examine public health risks that are unique to vulnerable adults and to recommend measures to mitigate such risks.

It is not known whether current systems result in the preventable deaths of vulnerable adults. These deaths are currently not investigated in a systematic fashion, and current investigations are not designed to make improvements in the overall systems of care.

Adult Protective Services has been involved with investigations involving the death of a vulnerable adult where a larger review would be beneficial. The author of this bill review is aware of 4-5 deaths in the past two years he would recommend for a larger review.

There are similar review teams for child deaths, domestic violence, and perinatal maternal deaths. Current state fatality review teams do not perform reviews specifically for the vulnerable adult population, although the domestic violence team may review some deaths involving vulnerable adults.

As currently written, the team would have broad authority to determine what types of deaths to review and could include deaths resulting from suicide, accidents, falls, and when there is a suspicion of abuse or neglect. This bill would promote improved public health outreach and education surrounding preventable deaths in our vulnerable adults.

### **3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

As the bill is currently written, the administration of the Vulnerable Adult Fatality Review Team would fall on the Attorney General's Office, which would include responsibility for meeting coordination and report preparation.

The Vulnerable Adult Fatality Review Team shall include the following staff from DAIL and VDH:

- DAIL Commissioner or designee
- VDH Chief Medical Examiner or designee
- DAIL APS Program Chief or designee
- DAIL Adult Services Division Director or designee
- VDH Director of the Vermont Office of Emergency Medical Services and Injury Prevention or designee
- VDH An Investigator from the Office of the Chief Medical Examiner

### **4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

As currently written, the bill creates a new advisory group without additional staffing or resources. Staff time would be paid for through existing programs.

The Attorney General's Office has the largest fiscal and programmatic liability, and they are firmly in support of this legislation and have been intimately involved with its writing.

There is the potential, however, that the Vulnerable Adult Fatality Review Team will identify gaps in services that can only be corrected by additional resources. This does have the potential for the team's work to contribute towards future resource pressures.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)**

Staff time for participants out of state government would be paid for through existing programs. We expect that non-state participants would want to participate and do not have to accept appointment to the team if they do not want to bear the costs. Many of the non-state team members identified in the legislation have participated in its development.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

- The Long Term Care Ombudsman with Vermont Legal Aid has been the primary champion of this legislation and has coordinated the efforts of VDH, DAIL, and AG in getting it drafted and finding language acceptable to all parties.
- Other non-profit partners with the State of Vermont who assist vulnerable adults, including Disability Rights Vermont, would be supportive of efforts to identify ways to prevent unnecessary deaths.

**6.2 Who else is likely to oppose the proposal and why?**

- There is the potential for resistance from health care associations, especially those involved with long term care, as they may see this as additional oversight to their industry.
- Beyond health care associations, it is unlikely anyone will oppose the principle of this legislation, although it may be opposed by individuals looking to reduce government spending/operations/oversight.

**7. Rationale for recommendation:** *Justify recommendation stated above.*

The Adult Fatality Review Team will either find that the systems in place for vulnerable adults are robust and there are few, if any, preventable deaths, or that the system does have gaps which can then be identified and reduced. Both of those outcomes are favorable to the agency.

**8. Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None. There has been considerable work performed out of session with the organizations identified in the draft legislation. The current language proposed has been agreed upon by all parties.

**9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**

Yes. As described above, this bill would create a Vulnerable Adult Fatality Review Team. The team would have six members from AHS, all within DAIL and VDH.

**Secretary/Commissioner has reviewed this document:** \_\_\_\_\_ **Date:**

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*Please return this bill review as a Microsoft Word document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) & [Jessica.Mishaan@vermont.gov](mailto:Jessica.Mishaan@vermont.gov)*