Jurisdictional Issues Subcommittee

May 19, 2010

Present: Kevin Hansen, Jason Flint, Deb Siebenaler, Carmen Castaneda, Maura McNellis-Kubat, Iris Freeman

Notes:

Kevin distributed a draft of **proposed changes to the definition of "Lead Agency"** under section 626.5572 (and other references to that in statute). All are comfortable with a change to "Lead Investigating Agency" to distinguish these from the usage of "lead agency" to indicated the county's role in a client's community services.

Kris Lohrke has raised a question about the change in the MDH definition re: "services," and Kevin will follow up with her. MDH staff could not attend this meeting owing to a commitment at the agency today.

The group discussed DHS waivers and potential changes in state laws governing those programs. Maura is checking on the terminology for "chemical health" vs. "chemical dependency" and other issues. Her e-mailed response follows below.

1) Kevin is correct; the current terminology is chemical dependency.
2) There are mental health centers and mental health clinics. Statute 245 provides info on mental health treatment and there is a definition for mental health centers in rule 29 (9520.0750, sub 5). There are only about 74 "centers" or clinics licensed by DHS under rule 29; there are hundreds of mental health clinics not licensed by DHS.
3) Jurisdiction for Family Adult Day Services should likely be with DHS as the service is provided in adult foster care homes.
4) I don't know what Stella thinks but Jerry's opinion was that Board and Lodge should remain with MDH. Apparently, there are many, many B&L and many have another MDH license - Board and Lodge with Home Care? (Stella?). it might make most sense for OHFC to prioritize and determine what they would investigate in this setting.
5) There was statute language approved last year (09) requiring action towards having a single license for services provided under HCBS waiver money. Rather than the current situation where, for example, there is an adult foster care license and then there is a 2nd license for the services provided to persons with DD under DD waiver money. There is nothing comparable for persons receiving services under one of the other waivers (TBI, EW,CADI, CAC). Jason can probably explain this better than I and probably knows how much progress has been made in this area. I understand that the original timeline may have been changed.
5) I did a quick check of FY09 - DHS received 343 reports of maltreatment in DT&Hs; 44 reports were assigned for full field investigation (the 49 reports included 58 maltreatment allegations)

Carmen recommended that the language for counties continue to be broader and not reference specific providers or programs.

Multijurisdictional cases. There is now a draft of a MAMC (9 metro counties) policy statement on responding to cases that cross jurisdictions (especially prevalent in financial exploitation). The principle is that intervention should occur where it can best protect the vulnerable adult. Carmen will report back once that document has been reviewed and adopted (or amended) by MAMC.

Issue raised at an earlier meeting by Ken LaBore about revising "mandated reporter" to include "facility" in addition to named persons: Referred to the Protections Subcommittee as it is not a jurisdictional issue.

Debrief on the Indian Issues Panel: All found it to be worthwhile. A short discussion of options followed, including a decision about whether CEP reports shared with tribes would have to be redacted. One potential change in state law suggested was adding Tribal Representatives to those whom the county can invite to serve on a VA Multidisciplinary Team (section 626.5571, subd. 1), for example:

626.5571 MULTIDISCIPLINARY ADULT PROTECTION TEAM.

Subdivision 1.**Establishment of team.**

A county may establish a multidisciplinary adult protection team comprised of the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, and representatives of health care. In addition, tribal representatives, representatives of mental health or other appropriate human service agencies and adult advocate groups may be added to the adult protection team.

The Jurisdictional Issues Subcommittee will meet next on Wednesday, June 9, from noon to 2:00 p.m. in Room 329, WMCL to resolve remaining issues on the draft revision of the Lead Agency definition before it is presented to the full VAJP at the Friday, June 11 meeting.