

Vulnerable Adult Act Stakeholder Group – Proposed Legislative Priorities – 10/30/08

Priority for Further Analysis	Rationale	Cost Item?	Consensus reached? Pertinent stakeholders on board? Other implications?	More research needed?
<p><b>Reporting:</b> Create a central CEP or hotline, with a single statewide phone number to replace the 87 or so we have now..</p> <p>Reference: details of proposal in 9/17 report from Reporting Subcommittee.</p>	<p>(1)Administrative simplification                      (2)Standardized processes                      (3)Standardized training                      (3)Clarity for the public                      (4)Quality assurance and compliance with CMS requirements re: NH reports and waiver renewals                      (5)Free up county intake workers to do investigations, therefore quicker response</p>	<p>(1) Expect the start-up costs to be a barrier: technology, training                      (2) a “wash” at county level if staff are reassigned from intake to investigations                      (3) But could state lose future dollars for CMS noncompliance?                      (4) Reality constraint: both state and counties cutting budgets for 2009</p>	<p>(1)Consensus that effectiveness of the localized CEP system is uneven.                      (2)Strong support but not universal belief that we need a centralized system                      (3)Counties concerned about regionalization of services to save public money                      (4)MACSSA support (Carmen reported their initiative for a central CEP, with an Issue Brief, at the 10/10 meeting. She also indicated that the Assn of MN Counties would oppose it.)                      (5)Tribes – would centralization build on work done in child protection? (Deb Siebenaler will talk with Jackie Dionne)                      (6)MMA?                      (7)MN Sheriffs’ Assn – James Franklin previously contacted, Bill Gottwaldt (Henn. Cy.)                      (8)Other Law Enforcement – Ann Bebeau (St. Paul PD), Val Wurster (Mpls PD)                      (9)DPS, Alcohol &amp; Gambling – on financial exploitation – (ECRA will follow up)                      (10)Non metro and suburban counties</p>	<p>(1)What can we learn from other states about start-up funding and about the evidence of long-term cost efficiencies? Texas, Massachusetts                      (2)Is the QA Stakeholder group making recommendations on this? [from Iris’ meeting with Anne Henry and Joan Willshire, there could be a DHS proposal along these lines to satisfy CMS’ concerns with waiver information systems.]                      Who will follow up with Loren Colman?</p>

<p><b>Reporting:</b> Remove the dual reporting requirement for nursing homes, boarding care homes, and hospital swing beds by allowing facilities to FAX the printout of its report to OHFC to the CEP</p> <p>Reference: details and proposed language in 9/12 report from CMS subcommittee.</p>	<p>(1)Administrative simplification  (2)Regulatory relief without loss of VA protection  (3)Overcome compliance issues for both OHFC and facilities  (4)Technology (e.g. RightFax) helps speed and accuracy)</p>	<p>Negligible MDH cost modifying report form to accommodate its proposed dual purpose</p>	<p>(1)Affected providers' - strong support  (2)How about MHA on swing beds? (Darrell Shreve followed up with Sue Stout of MHA, and they can support.)  (3)County APS – OK  (4)AG's office – OK  (5)Ombudsman for LTC – OK  (6)ECRA - OK</p>	<p>How does this affect ICFs-MR? (Stella French will find out.)</p>
<p><b>Definitions:</b> Fiduciary obligation</p> <p>Reference: proposed language in HF3514(Ruud) / SF3196 (Scheid)</p>	<p>(1)Current definition doesn't clearly describe the behavior to be deterred and punished.  (2)Change of definition will improve our abilities to investigate and prosecute these cases, because cases (e.g. exploitation by someone with PoA or joint checking account) are stymied by current definition.  (3) AG's proposed bill was introduced in 2008; however, the legislature did not act on it.  (4)Financial exploitation is as great a risk factor for an individual losing</p>	<p>(1)AG's office estimates little in added costs and that current expenses will be more productive.  (2)Providers will have relief from arrearages that occur when a resident/patient is financially exploited and cannot pay for their care.  (3)Potential Medical Assistance savings, because action</p>	<p>(1)Elder Law Bar (Kim Dayton will follow up)  (2)Professional Guardians/Conservators  (3)County Attorneys Assn (Kevin Hansen will contact John Kingrey)  (4)MN Bankers Association/Independent Community Bankers/Credit Unions</p>	<p>(1)How does this relate to prohibited transfers of assets for MA and the ground rules for hardship waivers? (Darrell Shreve looked into and provided information.)  (2) County differences in hardship waiver policies?  (3)Human and social costs? (Deb Holtz and Deb Siebenaler will follow up.)  (4)Univ. of Delaware Elder Abuse library may have data on public cost savings with prevention of financial exploitation.</p>

	independence as is physical illness and injury.	can be taken to protect victims before their funds are exhausted and they have to rely on public funds for care.		
<p><b>Definitions:</b> Financial exploitation</p> <p>Reference: 9/12 report from Definitions Subcommittee.</p>	See item above.		<p>The Criminal Code Subcommittee will meet on 10/15 to sort out priorities in the definitions and penalties.</p> <p>Decision in State v. Campbell noted and celebrated!</p> <p>Note: Elder Law Bar concerned about unintended consequences of changing definitions.</p>	
<p><b>Definitions:</b> Amend functional definition of vulnerable adult.</p> <p>Reference: 9/12 report from Definitions Subcommittee.</p>	<p>Current definition unclear.</p> <p>ADA Amendments 2008 Respond to concerns of Disability advocates</p>	Likely not	<p>Change must involve Disability advocates. Iris met with with Anne Henry and Joan Willshire to raise definition issue and discuss other priorities. They concurred with the suggested changes and noted that, in their view, services are “daily life” help as distinct from care, which is more “clinical.” Anne will bring these changes to the attention of the Consortium of Citizens with Disabilities, and help us schedule a formal presentation to them or at</p>	<p>Kevin and Barb will research functional definitions of VA in other states.</p>

<p><b>Definitions:</b> Other changes</p> <p>Abuse:</p> <p>Caregiver:</p> <p>Reference: 9/12 report from Definitions Subcommittee.</p>			<p>least their Exec Committee.</p> <p>More information needed to reach consensus.</p> <p>10/10 discussion did return to supporting a definition that requires <b>both</b> the impairment and the impaired ability to protect one's self from harm.</p> <p>Further implication: changes that describe "care" or "services" affect the existing definition of "caregiver."</p>	
<p><b>Investigations:</b> Standardize the components of an investigation.</p> <p>Reference: 9/12 report of subd 9b.</p> <p>Guidelines...Each lead agency shall include 6 component activities....</p>	<p>Components already exist in 26 year old rule.</p> <p>Given high turnover and limited training opportunities, this change will help toward a more uniform response statewide, especially if a centralized CEP is a longer-range objective.</p>	<p>Expanded definition of caregiver would present likelihood of increased reports and costs for counties.</p>		
	<p>No</p>	<p>Deb S. anticipates no objection from counties on this item, and will follow up with them. There was consensus on the measure at the meeting.</p> <p>Creating a new definition of "investigation" was discussed without resolution as consensus was not apparent.</p>		

<p><b>Investigations:</b> Comfort language to encourage financial institutions to cooperate in financial exploitation cases</p> <p>References: 8/25 Recommendation from Protections and 7/18 report from Scope of Statutes Subcommittee</p>	<p>Decide against major conflict with financial institutions/Incremental step in building a cooperative relationship in these cases</p>	<p>No</p>	<p>Consensus for adding language to 626.557, subd. 5 [immunity] that expands the “person” with immunity to include financial institutions &amp; provide immunity for their good faith reporting.</p> <p>Less clear: amendments to either of their statutes 13A.02 or 13A.04 concerning their cooperation and immunity.</p> <p>Sandra Anderson – MN Board on Aging Vice-Chair, retired banker with strong interest in preventing financial exploitation, is our next stop.</p> <p>Deb Holtz and Deb Siebenaler will talk with her about our specific proposals and a strategy for getting support for the VA initiative from financial institutions.</p>	<p>Carmen had hoped to find data about the benefit to banks of reporting suspected financial exploitation in a report/presentation from Wachovia banks. She did locate and provide us with their training materials. Let’s keep searching for savings figures.</p>
<p><b>Education:</b> Create a task force of MDH, DHS, and DPS representatives, county APS, consumers and providers to develop coordinated educational curricula and training re: the VAA.</p> <p>Reference: 9/12 Report of Education and Training Subcommittee</p>	<p>Make best use of limited resources</p> <p>Forum to address the use of new and emerging technology</p> <p>No significant new training money since the ‘95 VAA initiative and training funds have been lost to budget cuts.</p>	<p>Formal state task forces ordinarily do have fiscal impact...also have to go through Gov Ops committees</p> <p>So, this is a strategic as well as cost issue.</p>	<p>Regardless of the shape of this proposal, lawmakers need periodic reports about the need for training and dollars to respond to maltreatment cases.</p> <p>Consensus re: the need for an interdisciplinary approach to education, but law enforcement is not present in the legislative work group.</p>	<p>Deb Holtz will look into ways our objectives here can be coordinated with the Guardianship TF.</p>

	<p>Engage stakeholders in planning for training and coordination</p> <p>Helps assure uniformity of approach and coordination of disparate agencies, but short of a state-wide CEP</p>		[Who will talk with whom?]	
<p><b>Protection:</b> Create a Silver Alert (or other named) system, analogous to the Amber Alert to mobilize the response to a missing vulnerable adult. 8/25 Protections Committee</p>	<p>Headline cases, and more Standardize response to cases, 12 states now have them</p>	<p>?? Ohio says NO</p>	<p>Who needs to be on board and who can build the bridges?</p>	
<p><b>Protection? Re: \$ exploitation: revenue recapture; standard for MA eligibility after exploitation</b> Cross refs between VAA and Revenue Recapture Act...and MA eligibility?</p>				