

VAA Large Group Stakeholder Meeting

William Mitchell College of Law

July 25, 2008

Overview

- Statewide Database
 - recommendation from the 1995 Working Report
- SSIS vs. another form
- SSIS used for data collection; hindering the effective and timely entry of information
 - no county-to-county access of information
 - potentially penalizing an individual w/ background check process (due process)
 - not part of a background check; information within SSIS staff members
 - substantiated vs. unsubstantiated reports and information
 - if not statewide applicability/usability with SSIS, is it a solution?
 - for us as a workgroup, concerns we're addressing
 - potential of a Centralized CEP?
 - 437 potential individuals working as CEP intake workers (part- or full-time)

Reviewing Survey Results (Kevin Hansen)

- comments being emailed out, along with tally results, to all Stakeholders and posted on Wiki

Education and Training (Barb Doherty)

- gleaning through Survey responses/comments and ranks

- comments

- poorly attended trainings; counties' funding limited
- use of videoconferences to help bridge the gap with large driving distances
- adding in language to the public policy portion of the VAA
 - educational responsibilities of each agency required to conduct trainings
 - funding to this: fiscal note
 - in-person trainings: previous 2-day sessions at Earl Brown Center
 - more responsive when coming directly to workers to assist w/ issues
- exploring technology that transcend the attendance limitation (increasing practicability)
 - webinars from someone's office (multiple participants and ability to email questions in while the session is going on), DVD trainings (DVD libraries)
- staffing at the four quadrants similar to the child protection system
 - utilizing current systems already in place; technology already established
- collaborating for mandated reporter training
 - facility vs. provider vs. counties vs. (whomever else?)
 - who to report about, what to report on, etc.
 - flowchart format to assist as a guide for mandated reporters (if you make it through all of the questions, and the answer is yes, you make a report)
 - decision-tree for this process to assist with the increase of reports because of the dual reporting conundrum currently going on
 - Doug sharing work that he's done on this "decision-tree" so far with E&T
- CEP was originally intended to make some discretionary decisions
 - if you have ONE CEP, then you reduce the amount of people exercising discretion, increase commonality, and triage reports to the correct LIA
 - logging calls: tracking those reports where it's determined that there's no VA or there's no reportable abuse/neglect/exploitation as well as those where the incident is deemed to be "investigatable"

- standardized curriculum for CEP training and mandated reporter training
 - county investigators, OHFC protocol, DHS protocol
 - differences and similarities to work with

Definitions (Barb Doherty)

- going through notes from Meeting
 - clarifying abuse
 - adding in language that perhaps is redundant
 - CEP responsibilities: strengthening the language to clarify duties
 - clarification of Emergency and Protective Services
- comments
 - looking at rule 9555.7300: directing action of county as LA
 - developing a guide/procedure for community investigations
 - continuity of process across all 87 counties?
 - certain protocol met; makes development of educational materials and training materials much more uniform
 - concern of having an investigation overturned because of a potential procedural error
 - needing flexibility to allow counties with lower budgets and higher levels of VA reports to make some level of prioritization decision where needed
 - looking at the use of the language of “or services for”
 - who would this entail? what service providers get pulled in under this “net”?
 - use of it sporadically?
 - adding another definition to the statute to define what “Services” are/entail
 - “Alford Plea” language is redundant with the use of “conviction”
 - battery is redundant with assault; assault in MN includes the fear and/or the actual act
 - age point where penalties are enhanced for a crime
 - strayed away from this because of the potential for misapplication?
 - offense labeling of being a VA because of age

- using age impositions for the criminal code/acts
 - age-based statutes that provide for enhanced penalties under criminal code for consumer protection (CA uses an age-based system for making banks and their employees mandated reporters)
- re-examining Minn. Stat. 626.5572 Subd. 21(4)
 - mentally competent but potentially with a physical disability: VA or not?
 - interpretation of law vs. how the law itself is written
- examining/modifying the Criminal Code to address some protections for VA's
 - matching up the protections/provisions therein
 - creating a subcommittee for examining the Criminal Code
 - JJ Hasbargen, Tara Patet, Jennifer Wright

Investigations (Carmen Castaneda)

- see presentation from Carmen
- comments
 - training for those in Subd. 9e(a)
 - consistency in investigative approaches across the 87 counties
 - philosophical differences vs. need-based differences

Protections (Wendy Weidner)

- Silver Alert
 - name change potentially
 - HIPAA exemptions for making reports for a Silver Alert ("believed to be")
 - AMBER: police take report, report to BCA, stringent criteria
 - mirroring this with Silver Alert considerations/requirements
 - information from Alzheimer's Association for work that their lawyer researched
 - given nature of MN's VAA, place to work on this is within the VAA

- examine Ohio's law
- Failure to Protect
 - overall discussion: DHS Licensing points about background studies
- Financial Institutions and Employees as Mandated Reporters
 - protecting Institutions from a privacy violation
 - increasing immunity
 - good faith standard in the statute for a "person" who makes a report
 - teller trying to determine who's vulnerable under the law
 - bank lobbyist contacting AARP
 - Gen. Counsel for Minn. Bankers Assoc. w/ Scope of Statutes subcommittee
- invisible and unbefriended elders
 - complicated issue to table for right now; covered under current definitions

CMS/VAA (Darrell Shreve)

- formed from the last Stakeholder meeting in June
- essentially working to solve the dual-reporting issue
 - CMS mandate to the MDH: certified nursing facilities (under MA, Medicare, or both) must file reports with OHFC within 24 hours in spite of state law that instructs an oral report made to the CEP (24 hours)
 - CMS upset over the potential delay in investigation (3 days, state-wise vs. 1 day, federally)
 - gap in reports that may not make it from the CEP over to OHFC as the LIA
 - amount of investigations has not increased, even though the number of reports has gone up

Scope of Statutes (Darrell Shreve)

- General Counsel from Minnesota Banker's Association
 - mandated reporting by financial institutions

- MBA response to issues of financial exploitation in the past
 - MBA has 96% of the Banks in MN as its members
 - Credit Union Association, Independent Bankers of Minnesota
 - Federal Credit Unions as well
- joint accounts with adult children
 - structuring the account authority
- Minn. Stat. 256.021: VA Review Panel
- Minn. Stat. 626.557 Subd. 9d: Administrative reconsideration; review panel
- Minn. Stat. 13A.04: Exceptions for Financial Institutions Releasing Information

Reporting (Darrell Shreve)

- no report; meeting before the September meeting

Wrapping Up (Mark Wandersee)

- wrap up items
 - prioritizing outstanding items within each subcommittee
- next Large Group meeting on September 12th
 - setting priorities for the working report
 - short list of considerations for legislative proposals
 - how do we move the proposed issues forward? who will champion them?
 - who will act as this group's lobbyist?