

VAA Stakeholder Meeting

Friday, October 31st from 2-4:30pm

William Mitchell College of Law, Room 125

- Welcome and Introduction from Mark
 - Goals for the Meeting
- Review of Legislative Workgroup Charge from Iris
 - Meeting on November 20th with Sen. Moua
- Review of the Legislative Progress in Worksheet Form
 - Centralized CEP
 - concerns over using a Central CEP
 - job function concerns/re-assignability of current intake workers
 - comfort level in calling a statewide hotline vs. local county source (and also vice versa)
 - money taken away from counties (counties not being paid to be CEP)
 - CEP function intertwined with other APS functions
 - losing money is bad for this perspective...
 - system that oversees counties (“Big Brother” concerns)
 - immediate response for emergency protective services staying the same with a statewide, centralized system vs. individual counties
 - can a statewide system guarantee this? Counties still would need to be available to provide the EPS to callers/victims
 - 55% of calls in the Hennepin are for state agencies (community reports are going up, free up county APS worker time to investigate incidents rather than staff intake phone lines)
 - counties are multi-hat staffed: people perform many different functions

- method the caller/victim enters the system (starting as a waiver call, perhaps, and turning into an APS maltreatment issue)
- hard to track the cost items for CEP intake vs. investigations vs. _____
- even though a statewide system, keeping ability to still call the county and enter the APS stream that way
- up in the air currently with MACSSA feedback
- imposition of quality standards using Central CEP
- option of telling the two state agencies to take their own reports (modification from what the law was in 1995)
 - VAPA system, multi-prong intake system, and multi-prong groups that would conduct VA investigations
- continually evolving system across the months/years (our Stakeholder group continually keeping legislative awareness of this issue very high)
- ensuring a timely response, always
- utilizing technology and capacity not in existence in previous revisions
- Remove Dual Reporting Requirement
 - allowing faxing of reports to counties with a modified MDH online form
 - nursing homes, boarding care homes, swing beds in hospitals
 - Hospice Bill of Rights from state and federal Hospice Bill of Rights
 - reporting requirement for Hospice that might pull it under the dual reporting requirement (goes into effect on December 2008)
 - any hospice, no matter the location (reporting VA issues) will have to report directly to MDH/OHFC
 - difference in the days for required reports to be made than a NH
 - Medicare certified Hospice (certification link is key here, workable)
 - state-licensed only Hospice would follow state guidelines, differently
 - they would fall under this category of VAA work, potentially

- needs further discussion at the next Legislative Workgroup meeting
 - deal with “stuff” charge to the LWG
- student research or work of the LWG to compare the MDH online form to the CEP form?
 - identify missing fields, suggest to add if we grant faxing to CEP
 - CMS Subcommittee taking this on to compare the two forms, as well as examining the new Hospice reporting requirements
- Fiduciary Obligation and Financial Exploitation
 - Criminal Code Subcommittee reporting/working on this
 - Bar Association Groups: Trusts, Real Estate, Elder Law
 - Guardianship Task Force: requiring Conservators to be bonded
 - don’t want to create barriers from family members serving in this role
 - requiring bonding when there is a certain dollar amount involved
 - ability to require funds if someone’s financially exploited
 - training or updated regular training for Guardians/Conservators (perhaps something online for their use)
- Functional Vulnerable Adult
 - Disability community reporting in (Joan Willshire and Anne Henry)
 - favorable response from this area
- Other definitions: Abuse, Caregiver, Mandated Reporter
- Standardizing Investigations
 - components of an investigation, step in the direction of standardization
 - using language from a Rule to write into Statute now, instead
 - more outreach that might need to be done?
 - fairly permissive, more of a guideline (practical baseline)

- counties shouldn't have a problem; often they ask for guidance
- built-in discretion with the changes
- training piece (new blood getting more guidance)
- Encouraging Financial Institutions to Voluntarily Report
 - financial institutions moving toward being mandated reporters
 - "comfort language" to encourage them to voluntarily report
 - language that expands the immunity to report to institutions and their respective employees
 - Sandra Anderson, retired from Wells Fargo, currently on Board of Aging
 - scheduling time with her to discuss our proposals
 - doesn't work for or represent the bankers' association any longer
- Educational Task Force
 - costs vs. benefits
 - cost of prevention vs. cost of response (which is less?)
 - organizations sharing resources/personnel to focus on this area
 - improve the training within fields, but also improve the ability to communicate across agency lines (MDH, DHS, DPS)
- Silver Alert
 - expanding the capacity of the AMBER Alert system for where a VA may wander away or could be missing and in harm's way
 - 12 states currently use a similar system (often under different names)
 - quite a bit of outreach is needed to other Stakeholders important to a successful launch of a new system of "Silver Alert"
 - using a different term (Ohio uses "Maddie's Call")
 - named after someone whom the alert would have helped/saved had it been in place at the time

- “The Pitch”

- referencing the community focus as opposed to the facility focus from 1995
- suggesting revisions: please direct to Iris Freeman or Kevin Hansen for issues

- Subcommittee Reports

- Criminal Code (Tara Patet and JJ Hasbargen)

- State v. Campbell decision: Financial Exploitation is constitutional

- NOTE: This case is currently under appeal to the Minnesota Supreme Court by defendant Campbell. More information to come as it becomes available from the Attorney General’s Office.

- Priorities

- Financial Exploitation Statute

- some proposed ideas
- see the Wiki site for suggestions (posted soon)

- Criminal Neglect

- working on language to suggest for this

- future meetings to perhaps bring in the care provider perspective or the hospital caregiver perspective (MN Medical Association)

- potentials of physician assisted suicide? Is this pulled in?
- still an illegal practice in MN for physicians to assist in suicide

- neglect language vs. negligence (intent crimes, criminal code elements)

- Definitions (Barb Doherty)

- language modifications being examined through the LWG
- Functional Definition of VA
- Mandated Reporters (ongoing obligation rather than “while engaged”)

- Caregiver
- “Care of or Services for”
 - exclusionary language of who DOESN’T qualify as a caregiver, added in potentially

- Protections (Wendy Weidner)

- “the individual is physically located in Minnesota when the disappearance occurs”
- some kind of all-out alert that would be associated with the Amber system
- there are two bills in the Federal arena for Silver Alerts (use their guidelines or something along similar lines)
 - Federal groups using the term “Silver Alert”
 - Alzheimer’s Association supporting the Federal initiatives
- law enforcement data gets all pieces of date, public notification for the “abduction scenario” for Amber alert
 - no “blanket” alert
 - abduction scenario vs. wandering scenario
- subpoena or search warrant ability seemingly with county attorney, law enforcement, or lead agencies
 - powerful evidence to have bank records in the hands of APS
- potential opposition
 - privacy advocates (non-Big brother)
- Proposed 626.557 5(e): not restricted only to the VA’s account?
 - what other accounts could be investigated under this new power?
 - “financial records of the vulnerable adult shall be disclosed”
- Student Research: language of financial record access across the U.S.

Elder Justice Act

- Congress took up the EJA in 2003 and 2004 and 2005 and 2006 and 2007 and 2008...
- Perhaps close to a piece of Federal legislation
- Congress distracted by a potential financial conundrum...
- please reference handout from this meeting (Wiki site as well)

Next Steps and Meetings

- Legislative Workgroup
 - Monday, November 10th from 1-3pm
 - Thursday, November 20th at 2pm (Meeting with Sen. Moua)
 - Thursday, December 4th from 1-3pm
- Large Group of VAA Stakeholders
 - Friday, December 19th from 12:30-4:30pm