

## VAA Large Group Stakeholder Meeting

Friday, September 12, 2008

William Mitchell College of Law

### Opener and Meeting Goals

- quick presentations from Subcommittees
- large group discussion
- choosing top initiatives to pass on to the Legislative Working Group
  - students involved in the process
  - identifying “missing” stakeholders to help move forward into 2009
  - identifying and mapping out issues
- organizations involved potentially using Mitchell CEJP students for internships
  - helping organizations move forward into 2009, as well
- memo from Iris distributed to Stakeholders

### Education and Training (Kevin Hansen)

- not each group providing annual training; collaboration and joint training
- task force in 9e(f): removing four quadrants; statewide instead
- on-going training vs. initial training
- the medium through which training is distributed
- funding sources
  - Community Social Services Act (previously in the 80s/90s)
  - CCSA: Children and Communities Service Act (current)

### Definitions (Deb Tulloch)

- adding investigation criteria in Minn. Stat. 626.557 Subd. 9b
- going through wording changes to Minn. Stat. 626.5572

- “failure to use the financial resources of a VA” ... to their benefit, any improper or unauthorized use by another person
  - using the VA’s money for something that’s not what the VA wants/needs
  - Subd. 9(a)(2)
- fiduciary obligation to act in the best interests of someone
  - specifically define and set out the obligation of that person
  - trustee vs. conservator vs. \_\_\_\_\_
  - current case language that exists for a “standard” for the actor
  - cross-reference to what “bad faith” is or “misuse of a POA”
  - Minn. Stat. 524
  - cross-reference conservatorship/guardianship statutes
  - substituted judgment vs. best interest judgment
- “improperly transfers” within Subd. 9(a)(4)
- “housing with services”
  - include under the counties’ responsibilities?
  - fluidity between OHFC and counties in this area?
- ICFMRs = supervised living facility
  - licensure status vs. registration status
  - “certified living facilities certified as ICFMRs” instead
- mandated reporting while NOT engaged in the activity/profession
  - licensed social worker vs. housekeeper providing care
  - overly broad language as written, potentially
- “while engaged in” vs. “regularly engages in” ... is there middle ground?
- “health, safety, welfare, maintenance”
  - what does maintenance specifically pertain to?
  - do we achieve anything more by having this term included?

Protections (Kevin Hansen)

- 13A.02 Subd. 1(4) and 13A.02 Subd. 4 too
  - subpoena/search warrant

#### Investigations (Maura McNellis-Kubat)

- See sheet from subcommittee
- concern over the VA Review Panel (no teeth, power to enforce, victim speak in person at the review panel meeting)

#### Reporting (Deb Siebenaler)

- maltreatment reporting AND incident reporting
  - going to quality assurance focuses too (federal waiver renewals)
- concern over the immediate protective services
  - county still maintain their capacity to provide such services
  - county could allocate funds differently, perhaps
  - opening up staff time to investigate and provide emergency services
- call center maintained by DHS or MDH or a designee/contract provided service
- solving the dual reporting issue using well-crafted language
  - blended media, maintaining the online reporting system potentially
- could be the designee for the Silver Alert program
- MACSSA proposal moving toward a Centralized CEP
  - inclusion of incident reporting within this (not expanding who reports incidents)

#### CMS/Dual Reporting (Darrell Shreve)

- report coming in at one point, then distributed out to all who need to have that information contained within
  - following the timing requirements under the state/Federal law
- centralized reporting a long-term goal
- change the statute away from requiring an “oral” report

- changing the language of “may” to “shall” for MDH to alter their online form’s fields

#### Moving Forward: What are our top initiatives?

- ascertaining top five; not dismissing other initiatives that have been proposed
- sending out the priorities established today so those not here can weigh in on what they deem important
- important to get key stakeholders not here today involved in the process
  - Elder Bar, Bank Associations, Sheriffs Association, Disability Community, etc.

#### Legislative Working Group (Listed in Order of Enthusiasm)

- 20 – Definitions language as a whole (626.5572)
- 20 – permissive reporting language for Financial Institutions and employees
- 18 – creation of a Centralized CEP (consolidate the 87 counties)
- 16 – Silver Alert
- 15 – No more dual reporting (removing oral reporting requirement; fax online reports)
- 14 – Task force to determine educational curriculum, funding sources, mandated reporters training/hours, “others” who should have training made available
- 10 – Utilizing the provisions of the Revenue Recapture Act (money back from perps)
- 9 – modifying the DHS Background Studies criteria/disqualification rules
- Low – VA Review Panel (having petitioners appear in person)

#### Members:

Iris Freeman, Chair (Wm. Mitchell, Center for Elder Justice and Policy)

Stella French (OHFC), Kris Lohrke (OHFC), Maura McNellis-Kubat (DHS Licensing), Janet Reigstad (Stearns County), Carmen Castaneda (Hennepin County), Darrell Shreve (MHHA), Deb Siebenaler (DHS – Adult Protection), Jon Lips (Care Providers), Deb Peterson (AG’s Office), Sue Voigt (VKR Law Firm)

- others who want to join should email Kevin expressing such interest