

Vulnerable Adult Justice Project

April 8, 2011 – 2:00 – 4:00 p.m.

William Mitchell College of Law – Room 125

875 Summit Avenue, St. Paul

Note: One issue discussed at the meeting (see below) was how we might determine and respond to any unmet emergency shelter needs of vulnerable adults. If there is sufficient interest in research and further discussion of this issue after the legislative session, please let Iris know. Iris.Freeman@wmitchell.edu.

Minutes

Iris Freeman (WMCL), Ellen Longfellow (attorney), Carmen Castaneda (Hennepin Adult Protection), Cindy Carlson (Hennepin Adult Protection), Barb Doherty (Littler Brothers of Minnesota), Jennifer Kirchen (DHS-Adult Protection), Kevin Hansen (OMHDD), Nate Swanson (WMCL), Doug Beardsley (Care Providers of Minnesota), Mary Prudhomme (St. Louis County APS), Lynda Olson (Ramsey APS), Darrell Shreve (Aging Services), Andrea Domaskin (WMCL), Susan Voigt (Voigt, Klegon & Rode) Wendy Weidner (Ombudsman for LTC) John McCullough (Financial Crimes Services) Candace Ballstadt (Faith in Action – Goodhue Cty) Maura McNellis-Kubat (DHS-Licensing) Laura Orr (U St. Thomas) Jane Ochrymowycz (CEJP Advisory Board WMCL), Tara Patet (St. Paul city atty) Megan Stowers (Alzheimer's Association & University of St. Thomas), Jim Emery (Alzheimer's Association), Janet Reigstad (Sterns Co. & MACSSA)

2:00 Welcome, Introductions & General Updates

World Elder Abuse Day is June 15. Registration is filling up. 173 registrations filled of a possible 250.

Jennifer Hasbargen is prosecuting a financial exploitation case out of Washington County, now in the news. It is among the first generation of cases to come from the financial exploitation statute advanced by the VAJP in 2009.

Ramsey County case in news involving neglect case in which vulnerable adult had serious medical problems resulting in amputation, after mother failed to seek treatment for burn on foot. Tara Patet prosecuted, case settled. Vulnerable adult now in a safe setting and has a new guardian.

2:10 Vulnerable Adult Justice Project Legislative Initiative for 2011

- Status report and discussion - SF195 (Limmer) and HF447 (Kelly)
- Hearings at overlapping times Monday.
 - HF447: House civil law committee at 12:30. First on schedule. Expect discussion of predatory registry and adult maltreatment review panel. Kevin will give testimony.
 - SF195: Senate Health and Human Services Committee, starts at 1. VAJP is not the first bill listed. Carmen and Iris will give testimony

2:20 Related Legislation – “Whatever became of....?”

- **HF424** – civil remedies for maltreatment of vulnerable adults, Rep. Scott.

No action since introduction and referral to Civil Law Committee, other than Rep. Downey adding his name as a co-author. No hearing scheduled; no Senate companion introduced.

Issue for VAJP to ponder: Are their civil remedies that we might want to promote in the future? Legal research issues for Elder Justice scholars to work on? Maura Mcnellis-Kubat: reporters employed by facilities have a civil remedy if they are fired within 90 days of reporting (rebuttable presumption that adverse action was retaliatory). Susan Voigt suggests education for judges.

- **SF98** – photo ID for credit card transactions

No action since introduction and referral to Commerce Committee; Companion bill, HF707 (Champion, Hayden) was introduced and referred the same day. No hearings scheduled.

A similar bill has been heard but has been laid over until fiscal notes are in.

- **HF343** – enhancing enforcement capacity for identity theft and other electronic fraudulent activities

Reference: Jim Arlt's presentation to VAJP; HF313 (Atkins and 9 others) introduced bill Feb. 3, with referral to Commerce Committee. Companion, SF227 (Scheid, Rest) introduced same day and referred to Judiciary.

- **Mandated reporters** – changes proposed for nursing homes and boarding care homes

Shreve: Presented Rep. Abeler with language for possible inclusion in House policy bill aimed at clarifying what needs to be reported and what doesn't with federal regulations and state Vulnerable Adult Act. The issue is really with federal regulations and the desire for clarification.

Not part of either H&HS budget bill

Cindy Carlson: met with police this week regarding quality of common entry point reports, for example not naming staff members alleged to be perpetrators, failure to give witness information. This information is particularly helpful to police. Carlson noted many of the reports came from nursing homes.

Carmen Castaneda: some of the issue is also the need for police education.

Doug Beardsley: resources are also an issue – overreporting of nonreportable issues is also a problem because investigators have limited resources and will be unable to investigate all.

- **Background Checks - SF1122 (Magnus) HF1449 (McFarlane)** would modify Minnesota Statutes sections 181.981 and 364.021. Under current law public employers may not inquire into the criminal history of an applicant until the applicant is selected for an interview. Expands this to private employers, unless required by statute and prohibits credit checks until the applicant is selected for an interview.
- **State agency policy and budget bill provisions** pertinent to our work

Discussions within DHS continue about renaming the findings in VAA investigations. Uncertainty as to whether this will be in bill. May leave substantiated or unsubstantiated, eliminate "inconclusive" and "false." Most likely outcome is to bring it next year.

DHS Continuing Care policy bill is expected to be ready to be presented next week.

Beardsley: OHFC has changed how it posts findings on Web site.

2:40 Safe House or Shelter for Vulnerable Adult Victims – What kinds of experts and budget would be required to assess needs and study feasibility? (Brainstorming and "what if?" conversation)

- Castaneda: Should be free for the vulnerable adult.

- Ballstadt: consider learning from the experience of domestic abuse shelters.
- Olson: Cornerstone may have set aside a bed for a vulnerable adult.
- Reigstad: The variety of needs of vulnerable adults may make it difficult to have one shelter. Normally she hasn't had an issue finding a place. Often they are admitted to hospital. Foster care, other options are available. A place for people to stay until their financial eligibility can be determined would be helpful.
- Freeman: may be research required, communication among organizations and shelters, determining best practices.
- If there is interest in a small group working on the issue, this could be timely. Let Freeman know if you are interested.

3:10 Break

3:20 Committee Meetings and Networking

- Legislative Track Team – will hold its weekly meeting
- Others – Meet new colleagues or “catch up” with people you know.

4:00 End of meeting

Next VAJP Meeting Dates – Room 125 WMCL from 2:00 – 4:00 p.m.

May 13

June 10