

## Vulnerable Adult Justice Project

Large Group Meeting

Friday, May 13, 2011 from 2-4pm

William Mitchell College of Law, Room 125

Present: Iris Freeman (WMCL), Chris Bjorkman (WMCL Student), Mary Prudhomme (St. Louis County Adult Protection), Carmen Castaneda (Hennepin County Adult Protection), Jim Emery (Alzheimer's Association), Janice Allen and Blair Buccicone (Anoka County Attorney's Office), Jennifer Kirchen and Deb Siebenaler (DHS-APS), Stella French (MDH-OHFC), Maura McNellis-Kubat (DHS Licensing), Barb Doherty (Little Brothers of Minnesota), Kevin Hansen (Ombudsman, MH-DD), Gary Smith (attorney), Jane Ochrymowycz (CEJP Advisor), Cindy Carlson (Hennepin County Adult Protection), Deb Tulloch (Washington County Adult Protection), Ellen Longfellow (attorney), Janet Golden (ECRA), Doug Beardley (Care Providers), Rob Rode (VKR), Nate Swanson (WMCL Student), Andrea Domaskin (WMCL Student), Suzanne Elwell (MN Dept of Public Safety), Sandra Henkel-Johnson (St. Louis County Adult Protection), Anita Raymond (VOA-MN), Tara Patet (St. Paul City Attorney's Office), Elizabeth Lamin (Ramsey County Attorney's Office), Amy Sweasy (Hennepin County Attorney's Office), Darrell Shreve (Aging Services), Michael Cackoski (AARP), Suzy Scheller (Scheller Legal Solutions), Janna Severance (Presbyterian Homes)

### **Agenda:**

Introductions

Updates:

- Elder Care Rights Alliance has moved, and is in the process of merging with Tubman Center. Official on July 1<sup>st</sup>.
- St. Peter Forensic Nursing Home. Expanding from 17 beds to 34.
- Standing ovation for JJ and her success in the Campbell case (conviction on all counts)!
- Sgt. Mike Wortman (St. Paul PD) was awarded a Medal of Commendation for his work in investigating elder and vulnerable adult maltreatment crimes
- The Centers for Medicare and Medicaid Services (CMS) is accepting comments on their proposed change to the Home and Community Based Services (HCBS) waivers, changing what counts as an "institutional" setting, increasing the emphasis on person-centered planning, and changing methods that CMS may use to enforce waiver requirements with the individual states. Comments are due by June 14<sup>th</sup>. The notice of proposed rule change can be accessed this way:
  - Go to this link: [www.gpoaccess.gov/fr/retrieve.html](http://www.gpoaccess.gov/fr/retrieve.html) .
  - Scroll to the bottom of the page and type in the number "21311" in the search field box and select "Submit."
  - The notice of proposed rule change begins halfway down the first column.
  - The methods by which you may submit comments are in the second column on the first page.

#### Legislative Updates:

- Exciting News: The House Bill (HF447) was passed on 5/5, (127-0!)
- Jane noted the very nice write up in this week's *Session Weekly*.  
<http://www.house.leg.state.mn.us/hinfo/swkly/2011-12/sw1811.pdf> (see page 7)
- Because the House and Senate bills are identical, the file will be called HF447 in the Senate too, because the House passed it first. The Senate voted to approve the bill on 5/12, and the final procedural vote will occur soon.

#### OTHER Capitol UPDATES:

- HF 424: civil remedies for maltreatment of vulnerable adults: NO ACTION. No companion bill, (arose from a specific constituent and draws from AZ law).
- SF: 98 photo ID for credit card transactions: NO ACTION
- HF343/SF227: enhancing enforcement capacity for identify theft and other electronic fraudulent activities: NO ACTION
- VoterID moving forward was passed by the House with a fallback Constitutional amendment proposal to be moved in the event of a veto;

On the issue re: prohibiting people with guardians from voting, Kevin reported that HF 1119 (Kiffmeyer), is not getting beyond its Civil Law Committee passage. The bill missed the first policy deadline as it was not heard in House Judiciary by then. The author did not seek to attach it to her Voter ID bill. She is still very adamant about this and wants to convene a working group. Kevin and other members of the Substitute Decision Makers' Network will be meeting with her to focus her issue and explain how her apparent concern be remedied without changing state law.

-Potential policy addition to the Health and Human Services Conference Bill re mandated VA reports:

- Most Recent Language: "The commissioner of health must work with long term care providers, provider associations, and consumer advocates to clarify for the benefit of providers, survey teams and investigators from the office of health facility complaints the situations that providers must report and are required to report to the department under federal certification regulations and to the common entry point under the Minnesota Vulnerable Adult Act. The commissioner must produce decision trees, flow sheets, or other reproducible materials to guide the parties and to reduce the number of unnecessary reports."
- intended to streamline the process by establishing agreement on the reporting requirements under state and federal law (focus limited resources on cases that must be investigated)

-HF 1461/SF1305 DHS Licensing - No changes will be made this year in the categories of findings in vulnerable adult investigations.

Update from Public Awareness Committee:

-Jan Golden: They will reconvene soon!

-Doug Beardsley: There have been increasing stories in the news cycle this year on VA issues.

Discussion of MPR story (text included in the agenda) and its implications:

Abuse of elders, often by family members, is a growing problem

April 28, 2011, Dan Gunderson

1. Statewide data on vulnerable adult cases reported directly to police and sheriffs?

-We have a system for access to aggregate CEP data. What is the potential value of having a database of the cases reported to law enforcement?

-could support grant funding and changes in law

-could help identify best practices

-understand the problem and how to better address it with training and resources

-but who should keep the data, and what would it take to get them to do it? BCA?

-have to be careful how we define the cases to be counted

-student research possibility: examining how other states do this

-case management system in Anoka County is a new approach

-should we have an info session at VAJP on this (as we did to highlight VAA issues with tribal governments?)

-approach BCA? (Suzanne Elwell will share information about contacts.)

-relates to issue of mandating VAA training for police officers (initiative for the future?)

2. Some counties appear to seek and receive federal training funds to improve vulnerable adult case detection and investigation, while others do not. How do we maximize these opportunities?

-forward opportunities for funds on our listserve on a periodic basis? It's a valuable collaboration opportunity

-Tara: Could VAJP hire a grant writer? CEJP has promoted this issue for the Center as a whole. For now, Iris and Kim write grants for work in their areas.

-perhaps VAJP participants should begin to apply for grants as a team of several organizations

3. Team approaches and Formal Forensic Teams. Natural evolution or initiatives needed?

-Tara is doing training in Moorhead, people in different disciplines learning how to deliver an elder abuse curriculum in their jurisdiction. Tara can keep people posted on on opportunities when they come up

-DHS maintains a list of counties that have vulnerable adult multidisciplinary teams, with their contact information. They will prepare a map with an eye to future collaboration

opportunities. Can the map include team efforts outside the APS Multidisciplinary Teams (e.g. Community Elder Abuse Collaboratives like Goodhue County?) How do we learn what's out there?

4. How to interview alleged victim privately when s/he is resisting and the alleged perpetrator is sticking like glue? What are the best practices and legal bases for talking to the alleged victim alone and for providing a secure setting in which to talk freely?

- lots of victims of domestic violence refuse interviews
- vulnerable adults, even alleged victims, are not kids, and they have a right to say that they want someone with them
- wait until the person goes to the doctor or hospital or somewhere alone, and try to talk then. The art of the dance: when can you get them alone?
- Deb Tulloch: best accomplished by a duo – The police officer talks to the alleged perpetrator, while the social worker talks to the alleged victim. Each uses their human relations skills to separate the pair.
- you need to have trained officers who can think on their feet and handle these situations, capable of being creative to get that person alone. Add it to the list of things they have to be trained on. Training video recommended by Carmen: "Roll Call".

5. MN law doesn't base vulnerability on age. Nor does it exempt everyone who lives "independently" from an assessment of vulnerability. Should MN have heightened penalties for maltreatment of people who are elderly but not statutorily vulnerable?

- difficult, when relying on the accuracy of statements in a story, to know what all the facts are
- even if victim was not a "vulnerable adult" per se, her age can be a factor in the sentencing
- no one participating in the meeting suggests that age alone should be a criterion for vulnerability and mandated reports

Other concerns?

- the financial exploitation and the cost to the state and federal budget
- consider how an unemployed man living with his mother accumulated that much cash to hide in the backyard
- is there any way without butting into every family's business to create a prevention mechanism that blinks on before families reach the threshold of exploitation and physical violence? (rhetorical question)

Next VAJP meetings:

Rm **123** WMCL from 2:00-4:00pm

June 10

August 12

September 9