

Vulnerable Adult Justice Project

2009 Minnesota Legislative Initiative

Minnesota first created a report and response system for the maltreatment of the elderly and persons with disabilities in 1980. This Vulnerable Adult Act was substantially revised in 1995. For the past year, stakeholders from more than 20 organizations have been meeting regularly with an even greater number of staff from ombudsman offices, the Attorney General's office, as well as state and county protection and regulatory agencies, to identify priorities for bringing the law in line with contemporary practice. These changes are warranted because (1) People are increasingly choosing to receive care and services at home rather than in residential facilities, so protections must be responsive throughout the community; (2) Financial exploitation is a growing problem that affects victims, families, and providers; and (3) Proposed changes will give authorities tools to protect victims of maltreatment and those at imminent risk of harm. Accompanying this summary is a list of organizations that have cooperated in its development.

Protect vulnerable adults from financial exploitation.

- ✓ Strengthen the definition of "financial exploitation" to improve our ability to identify, investigate, and prosecute criminal cases.
- ✓ Give county attorneys subpoena authority for the banking and financial records of a vulnerable adult.
- ✓ Extend the statute of limitations for cases of criminal financial exploitation of a vulnerable adult.
- ✓ Encourage financial institutions to report suspected financial exploitation of vulnerable adults and to cooperate in investigations by clarifying their immunity from legal challenges when they report in good faith.
- ✓ Assure that victims of financial exploitation have access to Medical Assistance, if necessary, by clarifying the hardship waiver language in current law to standardize counties' response.
- ✓ Create a private right of action for vulnerable adult victims of financial exploitation against the perpetrator.

Respond to emergencies when vulnerable adults are missing and endangered.

- ✓ Improve our ability to mobilize public response to missing vulnerable persons at imminent risk of harm by clarifying current law for the integrated crime network.

Streamline the Vulnerable Adult Act reporting system.

- ✓ Commit to replacing 87 separate county reporting entities with a statewide hotline (Common Entry Point), developed with care to preserve the values of immediate and local response.
- ✓ Combine the dual reporting obligations for nursing facilities, boarding care homes, and hospital swing beds with a single intake form that is reported to the Department of Health and reported electronically to the Common Entry Point.

Assure social services and justice for a growing and changing population.

- ✓ Update the functional definition of vulnerable adult to reflect the increasing number of vulnerable persons receiving services in home and community settings.
- ✓ Standardize components of Vulnerable Adult investigations throughout the state.
- ✓ Bring responders, consumers and providers together to coordinate educational curricula and address the use of new and emerging technologies for education.
- ✓ Publicize the ombudsman offices' role in providing confidential advice to vulnerable individuals, families, mandated and voluntary reporters about responding to perceived maltreatment.
- ✓ Enable speedy trials in cases where vulnerable adults are victims

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Associations and Organizations Involved

- ElderCare Rights Alliance
- Center for Elder Justice and Policy, William Mitchell College of Law
- AARP
- Aging Services of Minnesota (formerly MHHA)
- Alzheimer's Association, Minnesota/North Dakota Chapter
- Arc of Minnesota, The
- Association of Residential Resources in Minnesota (ARRM)
- Care Providers of Minnesota
- Disability Law Center
- Empira
- Kosieradzki Smith Law Firm
- Legal Aid Society of Minneapolis
- Lutheran Social Services of Minnesota
- Minnesota Alliance on Crime (MAC)
- Minnesota Home Care Association (MHCA)
- Minnesota Hospital Association
- Minnesota Network on Abuse in Later Life (MNALL)
- Northwoods Coalition for Family Safety
- Orbovich and Gartner, Chartered
- Pearson, Randall, Schumacher & LaBore, P.A.
- Smith Law Firm
- United Steel Workers Union
- University of St. Thomas School of Law
- Voigt, Klegon and Rodé Law Firm
- Volunteers of America of Minnesota (VOA – MN)

Public Agency Resources

- Attorney General's Office – Medicaid Fraud Division
- Board of Examiners for Nursing Home Administrators (BENHA)
- County Adult Protective Services – Carlton, Lac qui Parle, Stearns, and Washington Counties
- Hennepin County Adult Protective Services; Hennepin County Public Health Department
- Hennepin County Attorney's Office; Hennepin County Sheriff's Office
- Metro Area Agency on Aging (MAAA); Senior LinkAge Line
- Minneapolis City Attorney's Office; Minneapolis Police Department
- Minnesota Association of County Social Service Administrators (MACSSA)
- Minnesota Board on Aging
- Minnesota County Attorneys Association; Association Minnesota of Counties
- Minnesota Department of Health – Office of Health Facility Complaints (OHFC)
- Minnesota Department of Human Services – Aging and Adult Protective Services
- Minnesota Department of Human Services – Disability Services Division; Licensing Division
- Minnesota Sheriff's Association
- Minnesota State Council on Disability
- Office of Justice Programs
- Office of Ombudsman for Long-Term Care
- Office of Ombudsman for Mental Health and Developmental Disabilities
- Ramsey County Attorney's Office
- St. Paul City Attorney's Office; St. Paul Police Department
- Stratis Health

Facts About the Process (November 2007 to the present)

52 agencies/entities/organizations (125 individuals) have been involved in developing the 2009 proposal.

50-60 individuals participated at each of 8 Stakeholder Group Meetings.

10 subcommittees divided work on specific issues (e.g. reporting, definitions, protections)
to bring recommendations to the Stakeholder Group Meetings.

323 individuals across Minnesota participated in a 39-question online survey to gain broad
input on issues and gaps in the Vulnerable Adult Act.

A website created for the Stakeholder Group (<http://mnvac.pbwiki.com>) has had 1183 visits.