

VAJP Large Group Meeting
Friday, January 30th from 1:30pm to 4:30pm
William Mitchell College of Law, Room 125

Members Present: Iris Freeman (Wm. Mitchell), Arlene Wegener (Ombudsman – MH/DD), Stella French (OHFC), John Simshauser (Wm. Mitchell), Ken LaBore (PRSL Firm), Lucas Cragg (Kosieradski Smith Firm), Carmen Castaneda (Hennepin APS), Deb Tulloch (Washington APS), Cindy Carlson (Hennepin APS), Mary McGurran (VOA), Deb Peterson (AG’s Office), Deb Holtz (Ombudsman – LTC), Sheri Hansen (Lac qui Parle APS), Jane Ochrymowycz (Alz. Assoc.), Barb Doherty (MNALL), Jennifer Kirchen (DHS – AAPS), Darrell Shreve (Aging Services), Suzy Scheller (PRSL Firm), Tom Skarohlid (DHS – DSD), Keith Weigel (AARP), Pam Zimmerman (Senior LinkAge Line), Deb Siebenaler (DHS – AAPS), Laura Baures (Wm. Mitchell), Toby Pearson (Care Providers), Ben Rosene (Ramsey Co. Atty.), Phil Carruthers (Ramsey Co. Atty.), Janet Reigstad (Stearns APS & MACSSA), Kathy Kelso (Mental Health Assoc. of MN), Greg Marita (Mpls Legal Aid), Britt Lindsay (Disability Law Center), Amy Sweasy (Hennepin Co. Atty.), J.J. Hasbargen (AG’s Office), Tara Patet (St. Paul City Atty.), Lisa Godon (Mpls. City Atty.), Mark Wandersee (ECRA), Kevin Hansen (ECRA)

Welcome and Introductions

Update on the PALs Group Work

- news briefings that have gone out through the media
- update from the Press Briefing at the Capitol on Friday 1/16/2009
- review of the talking points sheet drafted by the PALs Group
 - facts and statistics to use in meetings out in the community
 - citing sources for those who will be using the sheet
 - second to last draft distributed in packets
 - examples of the flyers and pocket cards which will be distributed in packets
 - distribution letter to go out with flyers/pocket cards (explaining our mission)
- tracking where flyers/pocket cards have been distributed
 - communicate that back to Mark/Kevin (Kevin will make a spreadsheet to track)

Update on the Legislative Track Team Work

- several items from the Agenda will be condensed into the LTT report
- Implications from the Governor’s Budget
 - recommendations that relate to APS in MN (HCBS as well) and our Bill
 - Legislative Proposal: Policy relating to date of destruction
 - change from 2 years to 3 years (same as no determination/false report)
 - language from “shall destroy” to “must maintain”
 - related to the requirements pertinent to SSIS

- Data Destruction under the VAA Provisions
- Legislative Proposal: Children and Family Protection Act
- Issues affecting VAs: changes in the levels of care for those in a facility or while remaining in the community under one of the waivers available (heavy focus on Activities of Daily Living (ADLs))
 - reducing the level of PCA services out in the community for those persons who don't need assistance with every ADL, but some of the more serious ones
 - looking at several alternative programs ("AC light")
 - those not eligible for waivers would most likely still be able to receive PCA services instead
 - this also relates to potential capping of waiver eligibility/benefits
 - IADLS (Instrumental ADLs) vs. Regular ADLs
 - SOPS (State Operated Services) are increased by 4% to accommodate these other areas (this is especially pertinent to HCBS and those receiving them)
- Proposal from Legislative Auditor that DHS be the primary agency for all VA reports
- Where are we today with our Bill language?
 - Definition of Financial Exploitation: Section 6
 - County Attorney Subpoenas: Section 5
 - Statute of Limitations Upped to 5 Years (\$35K): Section 18
 - Financial Institutions Cooperating: Sections 1, 2, 9, and 10
 - Hardship Waiver Application: Section 3
 - Private Right of Action: Section 15
 - Endangered Person Alert: Section 4
 - educating with the agencies working with VAs (police, APS, etc.)
 - Centralized CEP: Sections 11 and 16
 - fiscal note attached; not certain as to this point for Section 11
 - budget shows the coming biennium and the following years
 - publicizing a number that could be called which will delineate the correct County CEP number to call
 - Electronic Reports to CEP: Section 8
 - Functional VA Definition: Section 17
 - Standardizing VA Investigation: Section 14
 - Educational Input (Task Force): Section 13
 - Speedy Trials for a VA: Section 7
 - Coordinating During Investigations: Section 12
 - Publicizing the Ombudsman's (LTC and MH/DD) Role: PALs Work/Bill Amendment
- Chief and Co-Authors
 - House: Rep. Hilstrom (if one Bill in the House)
 - if the Bill needs to be divided, also looking to Rep. Thao (HHS Lead)
 - our Bill has many different policy areas: Commerce, HHS, Public Safety, etc.
 - Senate: Sen. Moua (would welcome the Bill in her committee)
 - waiting on deciding to be our Chief Author until she reviews language

- she is the Chair of the Judiciary Committee
- dedicated to helping this get through the process
- she would also potentially be working on the Guardianship Bill
 - looking at combining these into one gigantic Bill
- we'll know more about this after our meeting with Sen. Moua
- Sen. Foley's and Sen. Higgins' committees will be discussing these issues as well as several budgetary concerns that have arisen
- as soon as we have tracking numbers (jacketed Bills), teaming with the PALs Team to get this out to various members of Minnesota
- Review of Legislative Visit Schedule
 - completed visits and upcoming visits
 - discussion of support for our language; questions raised by legislators

BREAK

Criminal Code Subcommittee Report

- back to the drawing board on Criminal Neglect with a Felony level provision included
- looking at the harassment law, to bring a felony level with a pattern of conduct
- Felony Criminal Neglect will NOT be part of our consensus-item bill
- moving forward independently with the original language; same language w/ penalty structure

Generating Letters of Support

- using draft language to work with organizations to gain letters of support for the VAJP Bill
- getting the approval for letters of this nature
- Mpls/St. Paul Senior Workers (Kris Rosenthal or Judy Abbott): Iris Freeman
- Minnesota Alliance on Crime (MAC): Kevin Hansen
- Minnesota Social Service Association (MSSA): Barb Doherty
- Consortium for Citizens with Disabilities (support for our Bill)
 - meetings every Friday at 12pm in 500 SOB

Other Necessary Outreach

- County Attorney's Association: John Kingrey (working toward generating a letter of support)
 - Criminal Law Committee Meeting of their group on Friday, February 6th
- Bankers/Financial Institutions: Darrell Shreve working on this
 - Tess Rice, Gen. Counsel from the Bankers' Association, has a few questions
 - working with the lobbyist for that group; didn't think there were major concerns
 - mortgage instruments as related to financial exploitation (no predatory lending stuff)
- Nurses Association (prominently involved in the 1995 legislation)
- Hospital Association
- Elder Law Section of the Bar Association
 - Ken LaBore will bring our Bill draft language to their next meeting
- Other ideas for necessary outreach should contact Iris/Kevin to discuss

- including serving as an ambassador for our work to that organization
- Senators/Representatives we haven't met with yet
 - those interested who have Legislators of familiarity should contact Iris/Kevin

Other Language/Opposing Language/Language to be Included

- commitment to our particular process
- cannot always fend off things that happen in the legislative process
- reflect that the VAJP Bill represents a group of ideas favorable to our Large Group membership
- purpose for our language is to keep it true to the ideas of the group as much as possible
- if changes are made, working together to maintain consensus and form a cogent response
- keep in mind: the legislators are in charge of their own process (similar with the committees)
- we must work to ensure our initiatives are thoroughly explained with our group intent

Guardianship Report from the Guardianship Task Force

- Carmen Castaneda, Mary McGurran, Kathy Kelso, Deb Holtz involved with this
- six meetings to promulgate a report on the state of Guardianship in MN
- preventative steps such that a person doesn't always need to have a Guardian
- centralized registration for pertinent information
- utilization of technology and training to reduce efforts/costs
- some issues didn't see the light of day via the task force's efforts
 - proposed legislation to recommend main components (consumer accessibility)
- controversy around certification for Guardians
- issues relating to family members becoming guardians too
 - no extra costs, hassle, time, etc. for this to occur (encouraging families)
- pulling together the various Bills of Rights for information
- UAGPPA vs. the newly-introduced UAJGPPA
- authors for this
 - Senate: Sen. Moua
 - House: Rep. Thissen
 - Rep. Mullery is interested too, but opposed to certification of Guardians

Next Meetings

- VAJP Large Group Meeting
 - Friday, February 27th from 1:30-4:30pm
- Legislative Track Team Meetings: regular meetings on Fridays at 1:30pm in the SOB Cafeteria

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