

**Vulnerable Adult Justice Project**  
**Friday, August 13 from 2-4pm**  
**William Mitchell College of Law, Room 123**

Members Present: Iris Freeman (Wm. Mitchell – CEJP), Jennifer Kirchen and Deb Siebenaler (DHS – Adult Protection), Janet Golden and Ellen Longfellow (ECRA), Mary Youle (Aging Services), Deb Tulloch (Washington County APS), Mike Corman (Dakota County APS), Kevin Hansen (Ombudsman Office for MH/DD), Barb Doherty (Little Brothers – Friends of the Elderly), Dave Stanowski (Citizen), Carmen Castaneda and Cindy Carlson (Hennepin County APS), Anita Raymond (VOA – MN), Steve Dopson (Ramsey County APS), Doug Beardsley (Care Providers), Deb Holtz (Ombudsman Office for LTC), Amy Sweasy (Hennepin County Attorney’s Office), Nate Swanson (Voigt, Klegon and Rodé Law Firm), Tara Patet (St. Paul City Attorney’s Office), Glennis Dudley (Nokomogisis Program for Family Safety), Jane Ochrymowycz (Advisory Board for CEJP), Greg Marita (Minneapolis Legal Aid), Maura McNellis-Kubat (DHS – Licensing), John McCullough (CPPCFE)

**Updates**

- New research from Univ. of California, Irvine, on caregiver mistreatment of people with dementia <http://www.centeronelderabuse.org/page.cfm?pgid=68&nid=19>
- Training on prosecuting elder abuse cases, October 5-7, 2010 in Columbia, SC [http://www.ndaa.org/elder\\_abuse\\_training.html](http://www.ndaa.org/elder_abuse_training.html)
- For those who may want to attend trainings, there is funding through the Office for Victims of Crime. See this link: <https://www.ovcttac.gov/taResources/scholarships.cfm> .
- Tomorrow, August 14, 2010, is the 75<sup>th</sup> Anniversary of the signing of the Social Security Act
- ECRA is having its 3<sup>rd</sup> Annual Film Festival, September 10, and it’s filling up quickly, so register soon
- Ellen Longfellow, newest hire at ElderCare Rights Alliance, will be working to provide sexual assault training to nursing home residents through DHS grant funding.
- Leech Lake Reservation has a multidisciplinary APS team in place now, as reported by Glennis Dudley, through collaboration with Deb and Jennifer at DHS Adult Protection.
- Funding for federal Elder Justice Act provisions is not likely at this point, although budget-setting for FY2011 is incomplete.
- The Senior Financial Empowerment Act, HR 3040, (Baldwin, D-WI) was recently passed and authorizes money for the Federal Dept. of Justice to give grants to state/local programs to fund financial exploitation protection programs.
- Meeting with Senator Franken and his staff, Iris Freeman spoke on elder abuse and exploitation (regarding reauthorization of the Older Americans Act). Given the increase in the number and percent of vulnerable adults living in more home/community settings, there is an increased need for protective services.

- Email distribution list for VAJP Large Group will now be a “bcc” for all recipients. If there is information to distribute to the entire group, please send it to Iris Freeman to assure that the information reaches the most up-to-date list.
- The Administration on Aging is seeking nominations for national Advisory Board on Elder Justice Act implementation. Deb Siebenaler, Deb Holtz and Jean Wood nominated Iris Freeman to serve on this board.
- September 10, 2010: Senator Franken to hold a hearing in Maple Grove on the reauthorization of the Older Americans Act, with expert testimony and information presented.

## **Protections Subcommittee**

- Report of the August 6, 2010 meeting by Kevin Hansen
- Recap Charges to the subcommittee: (1) modify the authority of the Vulnerable Adult Maltreatment Review Panel (VAMRP) and opportunities for vulnerable adults to be notified and potentially heard when substantiated perpetrators appeal, (2) examine matters related to background studies (individuals with criminal histories residing in congregate settings, family members with criminal history issues providing care to a family member), (3) update definition of emotional abuse (work from another group that will be presented to the Protections Subcommittee later)
- Legislative recommendation completed: VAMRP “beefing up”
- Work left to do: Perpetrator appeals and VA notification, testimony/evidence ability; who should send the notice; who should receive the notice and when
  - o Fair hearings: Minn. Stat. § 256.045
  - o Contested case hearings: Minn. Stat. Chapter 14
- Decisions needed: what notice the vulnerable adult receives, who sends the notice, and what the vulnerable adult or an interested person may have the ability to do (ability to testify, present evidence, etc.)
- Background Studies
  - o AARP’s study “Safe at Home”
  - o In Minnesota, there are a number of circumstances where family members must submit to background studies before they can provide care to a family member.
  - o MN law specifies the disqualifying crimes and the lookback timeframe for those crimes.
  - o MN does not require background checks for residents of congregate settings. There is a requirement for residents to disclose their history upon admission. For some seeking admission after incarceration, no community facility will admit. The need for specialized secure facilities remains.
  - o St. Peter Nursing Home
    - Anticipating an open date in October 2010, but construction repairs for the structural deficits are still ongoing.

- 48-bed facility.
- Individuals committed to or incarcerated under MN Sex Offender Program (MSOP), MN Security Hospital (MSH), Dept. of Corrections (DOC). Doesn't seem, at this point, that they will accept general community members (i.e. registered sex offenders or those on supervised release)
- Each county does a screening for a client to go into the nursing home, but there are different standards for screenings across counties. PASARR (PreAdmission Screening/Annual Resident Review) process is being interpreted differently across counties.
- Center for Medicare and Medicaid Services (CMS) has stated that the nursing home cannot seclude or restrain individuals - potential to request a waiver for this from them.
- Additional Federal funds for an amplified criminal background check system: Minnesota made the proposal to the Federal government for money from this part of the Health Care Reform Law. The program was funded as a pilot for seven states earlier, so it is free from the current appropriations process. New (not the original seven) states will receive \$3M over a period of years, with a minimal local match amount (which may come from MN's current appropriation for background checks). This would start in FY2011, if the award is received, and implies some potential changes to state law to fulfil the Federal requirements.

### **Survey for VAJP Participants**

- Looking back to our purpose statement developed a year ago.
- CEJP will send a short survey to the VAJP Large Group to get feedback about our operations and priorities. Look for the online survey coming from Iris Freeman via email in late August. We are also inviting more organizations to participate in the VAJP to enhance the mission. Current outreach work: MN Hospital Association, MN Nurses Association, MN Medical Association

### **Jurisdictional Issues Subcommittee**

- Report from the July 28, 2010 Meeting by Kevin Hansen
- Further clarification of lead investigative agency responsibility: omitting mention of "board and lodge establishments" due to complications with potential dual licensure, delegated licensure/registration, work forthcoming from other sources
- Group will work further on DHS – Licensing responsibility to include services provided within Day Training and Habilitation (DT&H) and Supported Employment Services (SES)

### **Criminal Code Subcommittee**

- Continuing its research and will have a presentation at the September VAJP Meeting.

- Two prior bills from the 2010 Legislative session to re-introduce as well

### **2011 Legislative Priorities**

- VAJP Stakeholders are requested to help us talk with candidates this election season about vulnerable adult issues. Please talk with Iris about potential champions for our legislative work.
- Example: John Harrington (DFL Senate nominee – St. Paul) as he has previously expressed interest in working on vulnerable adult issues.
- MSSA is in the process of re-doing several of their policy statements, focusing on long term care and vulnerable adult issues.

### **Center for Elder Justice and Policy**

- CEJP has applied for a second round of funding from the Extencicare Foundation to support training, printed copies of the manual, and a half-day meeting/summit to discuss whether some of those other issues raised should be included in legislative proposals.
- CEJP has a proposal to another foundation to pilot a fiduciary analysis specialist team (FAST) in the area. CEJP is suitable to do this because of the expertise of VAJP members.
- Upcoming training Iris Freeman will be doing on financial exploitation manual:
  - o MSSA Northwest Conference: Moorhead, MN (September)
  - o NCCNHR, the Consumer Voice: National Meeting (October)
  - o Care Providers Conference (November)
  - o And on more general policy issues, Continuing Legal Education: Elder Law Institute (October) with Suzy Scheller and Ken LaBore

### **Next Meeting**

- **Friday, September 17, 2010 from 2-4pm at William Mitchell, Room 331**
- Remember: parking may be more of an issue at this meeting and going forward, so if you park in the Wm. Mitchell parking lot or the church parking lot across Victoria Street, you will have to register your vehicle at the front security desk in the Wm. Mitchell foyer. Street parking along Summit Avenue is an option.