

Vulnerable Adult Justice Project

November 12, 2010 – 2:00 – 4:00 p.m.

William Mitchell College of Law – Room **223**

875 Summit Avenue, St. Paul

If you park in the adjacent lot or across Victoria in the church lot, please sign in at the WMCL Reception Desk and obtain a visitor card for your car.

Attending Persons: Iris Freeman (CEJP, leaving early to accept grant), Deb Holtz (Ombudsman for Long Term Care), Janet Golden (ElderCare Rights Alliance), Jane Ochrymowycz (CEJP Advisory Board WMCL), Carmen Castaneda (Hennepin County Adult Protection), Kevin Hansen (Ombudsman Office for Mental Health/DD), Nate Swanson (Voigt, Klegon, and Rode), Cindy Carlson (Hennepin County Adult Protection), Pat Jump (Home Care Association), Doug Beardsley (Care Providers of Minnesota), Mark Schulz (private attorney), Stella French (MDH – Office of Health Facility Complaints), Deb Peterson (Assistant Attorney General), J.J. Hasbargen (Assistant Attorney General), Chris Bjorkman (WMCL RA for Professor Dayton), Ellen Longfellow (ElderCare Rights Alliance), Amy Sweasy (Hennepin County Attorney's Office), Anita Raymond (Volunteers of America Minnesota), Barb Doherty (Little Brothers, Friends of the Elderly), Dave Stanowski (Private Citizen), Suzanne Elwell (Office of Justice Programs), Suzy Scheller (Pearson, Randall, Schumacher, and LaBore)

AGENDA

2:00 Welcome, Introductions & Updates

2:15 Moving Toward the 2011 Legislative Session - VAJP Proposals

- Status report and discussion - Criminal Code Committee proposal for cases of extreme neglect¹
 - The amendment was produced by examining other states' laws and model codes
 - J.J. reviewed concerns raised at the earlier meeting—Neglect Issue Providers' Meeting, notes of which will be published on the VAJP website.
 - Next steps:
 - providers group will meet again before our next Dec. 10 meeting
 - providers will meet with criminal code subcommittee before next meeting
 - we will discuss again at the next meeting and move forward. We will probably bring it to a vote in December, if possible
 - other individuals may go forward with this legislation
 - some post-election strategy will be discussed during second half of this meeting
 - J.J. explains diversion program, whereby a record can essentially be expunged of past legal actions on neglect

¹ A meeting will be held from noon to 2:00 in Room 223 to discuss and consider amendments and/or substitute language for the criminal neglect proposal. This is an opportunity for those who have raised concerns to meet and work with representatives of the criminal code committee.

- Status report and discussion – Protections Committee proposal for vulnerable adult access to appeal hearings of maltreatment findings.
 - Is it mandatory for the VA to attend, or optional? Will it add anything to the hearing? Does the perpetrator get to re-victimize someone by making them be part of the process? Additionally, there are logistics concerns: the VA isn't actually a party to the suit, enforcing protective orders, etc. Will it benefit or hurt the VA to know?
 - current language indicates that the VA, health care agent, or guardian needs to receive notice of the hearing. It affects situations where there is an alleged perpetrator, not self-neglect.
 - this refers to the human services judges (DHS) and the ALJs. We would like to standardize the practice of whether the VA receives notice.
 - "Interested person" does not appear under this statutory language, and is a legal term of art unique to the vulnerable adult maltreatment review panel language.
 - current status: include this as part of the legislation proposed. This portion is one sentence within a larger statute. We will have a good idea what this will look like by our next meeting on December 10th.
 - we haven't had any follow-ups from DHS Appeals or MDH Appeals divisions
- Note: Everyone on the distribution list was sent a worksheet of nine proposals and their accompanying legislative language prior to the October meeting. At the October meeting, seven of those items were approved. The issues on this agenda are the remaining two.

3:00 Break

3:10 VAJP Profile and Roster

- Review, amend (if necessary), and adopt the 2010-2011 VAJP Profile and Purpose
- In the coming month, the adopted Profile and Purpose will be distributed to the distribution list, with the current Roster of organizations involved, so that the Roster can be updated as necessary.

3:25 Moving Toward the 2011 Legislative Session – initial meeting of two working groups

- Renewing the Legislative Track Team – members, "to do" list for the remaining time before January 4, 2011, establish weekly meeting time to touch base during the legislative session (Fridays at 3:00 p.m. in the State Office Building = the tradition)

Strategies and Roadmap:

-public safety, Civil Justice, Health and Human Services, Crime Victims committees in the MN House

-fewer committees in the Senate: Judiciary, Health/Housing/Family Security

-Authors for bills

-ideas—people you know who would sponsor? Email Iris, Kevin or another VAJP person!

-Rep. Joyce Peppin (R) (expressed interest in adult protection, went on a half-day ride along) (now a law student at WMCL)

-Rep. Tony Cornish (law and order background) (R)

-Rep. Steve Gottwalt (R)

-Rep. Jim Abeler (R)

-Rep. Deb Hilstrom (DFL) (2nd author)

-Rep. Patti Fritz (Faribault nurse) (DFL)

-Rep. Jeff Hayden (DFL)

-Rep. Joe Mullery (DFL)

-Rep. Paul Thissen (DFL)

-Rep. Ryan Winkler (DFL)

-Senator Bill Ingebrigtsen (R)

-Senator Warren Limmer (R)

- Senator Julianne Ortman (R)
- Senator John Harrington (DFL)
- Senator Mary Olson (DFL)
- Senator Dick Cohen (DFL)
- Senator John Marty (DFL)

-two separate bills, potentially three. Felony neglect in one, the two other criminal changes in another, and a third for the civil law recommendations

-strategies about good testifiers for each provision

- Legislative Track Team group met weekly at the capital last year; VAJP Large Group continued to meet monthly or as needed, and that will be determined in January

- Renewing a Public Awareness Working Group – members, brainstorm potential activities for 2011, consider initiatives for which the Center can solicit grant funds or donations

Upcoming Educational Activities—other than those created by this group:

- Caregiving Policy in Minnesota , MNLCOA Summit (Janet Golden); half-day, no lunch. 8-12:30 12/7/2010. Posters available, for more information and to register go to www.mnlcoa.org

-National Center on Elder Abuse (NCEA): <http://www.ncea.aoa.gov>, from the Department of Human Services Administration on Aging. There are a variety of amazing resources at this website.

-Clearinghouse on Abuse and Neglect of the Elderly (CANE): <http://www.cane.udel.edu/>, from the University of Delaware. The NCEA indexed this information into CANE's database; to search, enter the keyword "public awareness" into the search box for descriptions of projects and outreach materials. The entries include descriptions of the materials, applicable links, and the name of the creating organization

How can we get information out?

-educate incoming legislators (and also continuing legislators) through 2 fact sheets. We are a bipartisan, neutral group of experts, which is our strongest value in educating legislators.

- VAJP fact sheet

-one page fact sheet about elder abuse; talking points, generally

-Educating the public

-speakers bureau

-wristbands

-T-shirts

-play. Sponsored or stakeholder members acting.

-Message doesn't have to apply to others, but also ourselves—what happens when we're the ones involved in the conflict

3:50 Wrap Up

Next Meeting Date – 2:00 - 4:00 p.m. December 10, 2010

Room 123 William Mitchell College of Law