

VAJP Stakeholder Meeting
 Friday, September 25, 2009 from 1-3pm
 William Mitchell College of Law, Room 125

Present

Iris Freeman (Wm. Mitchell), Barb Doherty (MN Network on Abuse in Later Life), Deb Peterson (Attorney General's Office – Medicaid Fraud Unit), Lynda Olson (Ramsey Co. APS), Darrell Shreve (Aging Services), Carmen Castaneda (Hennepin Co. APS), Beau Blouin (Wm. Mitchell), Ashley Helgason (Wm. Mitchell), Sara Blessing (Wm. Mitchell), Kevin Hansen (MH/DD Ombudsman Office), Jan Golden (ElderCare Rights Alliance), Jennifer Kirchen (DHS – Adult Protection), Heidi Holste (AARP), Maura McNellis-Kubat (DHS – Licensing), Steve Dopson (Ramsey Co. APS), Anita Raymond (VOA – MN), Nick Halbur (St. Thomas University School of Law), Kimberley Zigler (Ramsey Co. APS), Greg Marita (Legal Aid Society of Minneapolis), Amy Sweasy (Hennepin Co. Attorney's Office), Jane Ochrymowycz (Alzheimer's Association), David Feinwachs (Minnesota Hospital Association), Tara Patet (St. Paul City Attorney's Office), Larry Johnson (Care Providers of Minnesota), Janet Reigstad (Stearns Co. APS), Deb Tulloch (Washington Co. APS), Deb Siebenaler (DHS – Adult Protection), Sara Blessing (Wm. Mitchell).

Meeting Notes

UPDATES AND ANNOUNCEMENTS

- Carmen Castaneda: Hennepin County Board has approved an additional two staff for her department as well as a budget for forensic accounting. Her involvement in the 2009 legislative initiative continues to be rewarded with action from the County.
- Several VAJP members will attend the upcoming National District Attorney's Association Training on September 30 and October 1 in the Twin Cities.
- Iris Freeman will present a session on the VAA 2009 changes at an October Conference sponsored by the Home Care Association and Aging Services of Minnesota.
- Several VAJP members will attend the National Adult Protective Services Conference in San Antonio at the end of October.
- We applaud Sgt. Ann Bebeau, who received the Medal of Valor from the St. Paul PD (its highest award).
- The Elder Justice Act, first introduced in Congress in 2003, is now included in the U.S. Senate's version of the Health Care Reform Act. Potential funding for APS is \$100 million nationwide, with additional funds for education and training of nursing home staff.

PROTOCOL PROJECT

The Center for Elder Justice and Policy at Mitchell has received grant funding for 9 months to produce a model protocol for identifying and responding to suspected financial exploitation of residents in care facilities. The project follows our legislative work to combat financial exploitation and is educational in

nature.

Ashley Helgason and Sara Blessing (Wm. Mitchell students) will be working on the project with Iris Freeman

- Key objective: to intervene before all assets and resources of the vulnerable adult are lost
- Scope of the project is primarily for nursing facilities and assisted living (residential, long-term care programs)
- Project summary sent with meeting materials
- Questions and Discussion
 - Will the project focus on cases where high dollars involved?
 - No floor or ceiling on the dollar value involved
 - Improve ability to identify signs of exploitation
 - Provide resources to respond based upon the situation
 - Note: Group in the late 1990's who worked on issues of nursing home discharges (produced a report on the issue) ... the facility business office needs to talk to county social workers, and report gives recommendations on how to intervene earlier to protect individuals
 - Note: Report from ElderCare Rights Alliance on the prevention of theft
 - Note: can be difficult to tell if there's a bad actor or an honest mistake; sometimes taking action helps get the ball rolling, but may cause hard feelings
 - Verifying the resident's financial situation prior to admission or re-admission; some states permit facilities to assess resident's ability to pay; although federal restrictions limit duration of stay contracts. (This path is not recommended for MN.)
 - Some individuals don't want to step in and make an accusation when facts are unclear or uncertain at that point
 - There are multiple types of cases to discuss/analyze during this project (perpetrator absconding with thousands of dollars, refusing to pay for cares/services for the vulnerable adult, the gray areas)
 - Financial exploitation creeps up on people via undue influence (Bennett Blum book)
 - Public programs: issue of the MA eligibility determination, the role of Social Security

Rep Payees.

- Recommendation: work with Resident Councils to determine get perspective on resident-family issues

The VAJP will receive regular updates and requests for feedback during the project. The research team will be actively soliciting stakeholders for interviews and focus groups. Please contact Iris if you are interested in participating.

BREAK**Review VAJP Profile and Priorities**

- Make clearinghouse function more explicit (e.g. sharing information about new MDH sexual assault prevention initiative; work with County APS teams)
 - Focus on “justice” gives us a broad foundation for our work, rather than “protection” or “advocacy”
 - gathering regularly to identify gaps in services or gaps in communication
 - inviting public officials/agency representatives to provide information to the VAJP Stakeholder and discuss perspectives, support and opposition
 - Need to continue the public awareness function, remaining a “voice” in the media or in the public eye (not only to respond when there are tragedies, but to have a more assertive and visible voice/position/stance)
 - “further pursue opportunities for public awareness” suggestion (capitalizing on hearings at the Capitol or on participating agencies’ resources for media/publicity)
 - creating a fact sheet of information about what the VAJP group is looking at to educate the public and assist our members in advocating on their own or with legislators
- Priorities for now through June 2010
 - Phil Carruthers’ technical correction for the subpoena authority for financial records
 - change or clarification in the lead agency jurisdiction for unlicensed PCPO’s
 - Beau Blouin researching the legislative history of lead agency jurisdiction for PCA services
 - relative roles of regulation, reimbursement, Lead Agency
 - monitoring effects of GAMC repeal on vulnerable adults
 - following up with legislators: Rep. Howes, Rep. Peppin, Rep. Kiffmeyer
 - Peppin: felony neglect of a vulnerable adult (setting up meeting: Larry Johnson, Kari Thurlow)
 - Howes: definition of a vulnerable adult (setting up meeting: Heidi Holste)
 - Kiffmeyer: victim restitution, in addition to the private right of action (setting up meeting: Deb Holtz, Roberta Opheim, Kevin Hansen)
 - Criminal Code Subcommittee meeting again to discuss felony penalty for VA neglect
 - There is currently a higher penalty for vulnerable adult assault in a licensed facility compared with assault on a street (Ann Bebeau’s concern)

- predatory offender registration for those convicted of gross misdemeanor sexual assault
 - (excluded from the predatory offender registration law as of right now)
 - includes having sex with someone in a facility, with or without consent
 - potentially an issue of oversight
 - Work with MN Coalition Against Sexual Assault (MNCASA) for SANES/SARS
 - Iris Freeman and Ann Bebeau met with MNCASA staff members for information on their priorities and ours. We will participate in planning and programming for a MNCASA conference on forensic compliance in sexual abuse cases.
 - Amy Sweasy interested in helping out with this

Recommended Issues for Agenda at Next Meeting:

- Revocation of HCD and notice requirements provided to care providers or health facilities
- Administrative Review Panel (Maltreatment Review Panel, Minn. Stat. § 256.021)
 - the provided language doesn't allow much authority for the panel to act or suggest the lead agency change its decision

-Wrap Up and Future Meetings

- Next Meetings:
 - November 13, 2009 from 1-3pm at William Mitchell College of Law, Rm 125
 - December 11, 2009 from 1-3pm at Location to be Determined
- Recommendation that future meetings be from 2-4pm on Fridays (to provide for more individuals being able to join in Legislative Audits afterward) Commitment to work on that for 2010 meetings.