

Vulnerable Adult Justice Project

Profile and Priorities

2009-2010

Background

The project began in 2007 as a broad stakeholder group committed to reform of MN's Vulnerable Adult Act and related laws. Its central legislative effort, the product of months of consensus building, resulted in Chapter 119, Laws of Minnesota, 2009. The legislation, effective August 1, 2009, tackles the growing problem of financial exploitation, supports community notification when vulnerable adults are missing, and establishes the model for a streamlined reporting and response system. In the wake of high profile sexual assault cases in nursing homes, the group began a parallel effort early in 2009 to raise public awareness of protecting vulnerable adults, with information to improve the detection and reporting of suspected vulnerable adult abuse.

Current Profile

The Vulnerable Adult Justice Project (VAJP) is a collaboration that brings together expertise from the perspectives and professions whose mission includes safeguarding and advocating for vulnerable adults. These include public advocacy organizations (Ombudsman for Long-Term Care, Ombudsman for Mental Health and Developmental Disabilities, Disability Law Center, the federal Protection and Advocacy agency), elder and disability organizations (AARP, Alzheimer's Association, ElderCare Rights Alliance, MN Network on Abuse in Later Life, Mental Health Association, The ARC), Health Care Providers (Care Providers of MN, Aging Services of MN, MN Home Care Association, MN Hospital Association, Volunteers of America-MN), the Metro Area Agency on Aging, MN Association for Guardianship and Conservatorship, Labor unions, City prosecutors, County Adult Protection and prosecutors, the Office of Attorney General, Department of Health and the Department of Human Services, the private bar (attorneys in elder law), and law schools (University of St. Thomas School of Law and William Mitchell College of Law). The VAJP is administratively housed and supported by the Center for Elder Justice and Policy at the William Mitchell College of Law. Students in the Center have opportunities to do supervised legal research on policy issues for the VAJP. Adjunct Professor, Iris C. Freeman, serves as Coordinator.

Purpose

“Multidisciplinary collaboration” conveys a picture, not a purpose. The shared purpose of the Vulnerable Adult Justice Project (VAJP) is to maintain a regular forum where front line, supervisory, and policy specialists in vulnerable adult protection can meet to

- Identify service gaps in the protection of vulnerable adults,
- Identify gaps and flaws in the underlying public policies,
- Identify, weigh, debate, and advocate for proposed solutions,

- Educate public officials about current and emerging issues through presentations and publications,
- Invite public officials to present data, updates on current policy, and proposals for policy change at stakeholder meetings,
- Actively promote changes in Minnesota laws, rules, and policies to protect vulnerable adults and seek redress for victims,
- Identify issues where additional research is necessary and engage Center for Elder Justice and Policy students in the research,
- Foster good working relationships and information about initiatives across jurisdictions and agencies,
- Conduct and cooperate in professional education and public awareness efforts.

Coordinator's Responsibilities

- Schedule and facilitate meetings of the stakeholder group
- Assure that minutes and resource materials are kept, updated, and distributed
- Initiate and monitor meetings of subcommittees and other small groups to evaluate options for action or to resolve conflicts among stakeholders
- Lead the development of legislative or administrative strategy for public policy changes
- Supervise student research and maintenance of the Wiki site
- Supervise work of CEJP Research Assistant(s) who will assist in the maintenance of the stakeholder group records (meeting notes, wiki site) and conduct legal research
- Work with stakeholders to conduct briefings on vulnerable adult issues for units of government and other audiences, as requested
- Develop and carry out priority professional education activities
- Explore and develop opportunities for public awareness efforts

Budget

The Center for Elder Justice and Policy at William Mitchell College of Law currently supports the costs of the meeting room, materials duplication, postage, refreshments for meetings, student legal research assistants, and the Coordinator's Adjunct salary. Total is less than \$10,000 per year for VAJP operations. Grant funds have been and will continue to be proposed to carry out educational and policy development initiatives.

Priorities and Responsibilities – September 2009 – June 2010

- Monitor DHS efforts to secure federal funding to implement the streamlined reporting system outlined in Chapter 119. *Deb Siebenaler, DHS, will provide updates at VAJP meetings.*
- Work with Sen. Moua and Rep. Hillstrom to introduce legislation at the start of the 2010 session to clarify Sec. 1 of Chapter 119, either through an early session Revisor's Bill or independently. *Phil Carruthers, Ramsey County Attorney/ MN County Attorneys Association will draft the correction and follow up with legislators.*
- Provide research assistance to VAJP stakeholders working on the Lead Agency Jurisdiction issue (Chapter 79 and additional concerns) as well as emergency relocation of vulnerable adults. *Iris Freeman and Beau Blouin, Wm Mitchell Law Student, will research the history and current map of lead agencies and their jurisdictions, beginning with the issue of personal care assistants/personal care provider organizations. Research will be reported at VAJP meetings and at the request of stakeholders working on this issue (counties, DHS, MDH). Recommendations for change or clarification of lead agency jurisdiction are a likely outcome and will be presented to the VAJP.*
- Monitor and discuss new and emerging policies that affect vulnerable adults (repeal of GAMC, reduced eligibility (2011) for Medical Assistance in nursing homes and waived services). *With respect to GAMC, stakeholders (e.g. MN Hospital Association, counties) are invited to provide updates, data, and proposals at VAJP meetings.*
- Serve as a sounding board and advisors for the Center's grant to develop a model protocol for facilities to recognize and respond in cases of suspected financial exploitation of a resident. Grant period is October 1, 2009 – June 30, 2010. *Iris Freeman and students, Sara Blessing and Ashley Helgason, will work with stakeholders to schedule individual interviews and focus groups for background and recommendations. There will be regular project updates at VAJP meetings.*
- Meet with Rep. Peppin, Rep. Kiffmeyer, and Rep. Howes to discuss their specific areas of interest and their legislative proposals. *Larry Johnson, Care Providers of MN (and Kari Thurlow of Aging Services of MN), will contact Rep. Peppin to arrange a meeting to discuss felony neglect. Kevin Hansen, Ombudsman for Mental Health and Developmental Disabilities will work with Roberta Opheim, OMHDD, and Deb Holtz, Ombudsman for Long-Term Care, to arrange a meeting with Rep. Kiffmeyer to discuss restitution for victims of financial exploitation. Heidi Holste, AARP, will arrange a meeting with Rep. Howes to discuss the functional definition of vulnerable adult and protecting vulnerable individuals from scams, particularly in housing repair. In each of these, 3-4 additional members of the VAJP will attend the meeting and be responsible for reporting back to the group.*

- Criminal Code Subcommittee will continue to work on felony neglect definition and penalties and other issues, e.g. penalty for assault of a vulnerable adult. Under current law, assault by a caregiver is a gross misdemeanor, but assault by someone else, e.g. another relative or neighbor, is a misdemeanor. *Tara Patet., St. Paul City Attorney, will schedule and chair meetings of the Criminal Code Subcommittee. Date, time and location TBD.*
- Monitor legislation affecting vulnerable adults proposed during 2010 legislative session. *The VAJP will be a clearinghouse for discussion of relevant legislation, regardless of whether the group takes a position on the proposal.*
- Work with Sara Thome, MNCASA's Forensic Compliance Project, on best practices for nurse examiners in sexual assault cases where the alleged victim is a vulnerable adult. *Sgt. Ann Bebeau, St. Paul Police Department, Amy Sweasy, Hennepin County Attorney, and Iris Freeman will participate in planning for upcoming surveys and speakers and programming for a 2010 conference.*
- Stakeholders that are working on public awareness and abuse prevention will assist the VAJP in reaching a wider audience and responding to media accounts of vulnerable adult cases. *Possibilities: the Vulnerable Adult Subcommittee of the MN Bar Association's Elder Law Section, AARP*

Distributed for recommendations in drafts, August and September 2009

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