The Vulnerable Adults Act
Module 7

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Outline
- Public Policy
- Vulnerable Adults
- Types of Maltreatment
- Reporting Suspected Maltreatment
  *Changes in the reporting system:
  Minnesota Adult Abuse Reporting Center
- Investigations and Protective Services
- Questions

MN Statute 626.557
1980 Maltreatment of Vulnerable Adult Reporting Act Establishes State Policy
- Provide safe environments and services
- Requires reporting, allows voluntary reporting
- Requires investigation in appropriate cases
- Provides protection and counseling services
Categorical Vulnerable Adult

A person, 18 years of age or older, who is a:
• Resident or inpatient of a facility; hospital, nursing home, ICFDD, residential or non-residential facility regulated by MDH or DHS, or
• Receives services from a facility or service regulated under 245A including PCA, or
• Recipient of home care or hospice services from provider regulated by MDH under 144A; includes Customized Living

Functional Vulnerable Adult

A person 18 years of age or older who, regardless of residence or service has an:
• impairment or disability, and because of this impairment has:
  • an impaired ability to meet basic needs, and
  • an impaired ability to protect self from maltreatment.

Maltreatment

- Abuse (physical, sexual, emotional or mental)
  - Hitting, slapping, sexual contact, oral or written gestures, etc.
- Neglect (caregiver or self)
  - Failure to provide for basic needs: food, clothing, shelter, health care or supervision, absence of essential services, etc.
- Financial Exploitation (with or without legal relationship)
  - Failure to spend for the benefit of the VA, unauthorized spending, withholding or disposing funds, etc.
*Federal definitions may be different
Abuse
- Physical Assault *1st -5th Degree
- Criminal Sexual Conduct*– 1st -5th Degree
- Any sexual contact by facility staff or licensed provider. Exceptions: when capacity to consent if prior consensual relationship or PCA services
- Use of drugs to injure or to facilitate a crime
- Inducement/solicitation/promotion of prostitution

Abuse cont’d
- Forced services for another
- Conduct which produces pain, injury, emotional distress ex. hitting, kicking, pinching, biting, corporal punishment
- Malicious oral, written or gestured language considered by a reasonable person to be: disparaging, derogatory, humiliating, harassing, threatening

Abuse Cont’d
- Aversive or deprivation procedure for people
- Use of Restraints: physical, chemical
- Involuntary seclusion or forced separation from others

*Abuse regardless of criminal definitions
Neglect

**Caregiver**
- Failure or omission by caregiver to supply a VA with necessary care or services: food, shelter, clothing, health care or supervision
- Failure or omission to maintain VA’s health or safety

**Self**
- Absence or likelihood of the absence of care or services, including food, shelter, clothing, health care or supervision a reasonable person would deem essential to maintain health, safety or comfort

Financial Exploitation

**Fiduciary**
- Spends funds without authorization
- Fails to use resources of the VA to provide for food, shelter, clothing, health care or supervision

**Any Person**
- Uses, withholds, disposes of funds or property of VA
- Wrongfully profits from VA’s funds or property
- Acquires control of funds or property through undue influence, harassment, duress, deception, or fraud
- Forces VA to perform services for profit

Reporting Suspected Maltreatment

**Mandated Reporter**
- Professional or delegate: Law Enforcement, Social Services, Education, Care of Vulnerable Adults
- Licensed by Health Board
- Employee hospital, NH, home care, PCA
- MA Enrolled Provider

**Voluntary Reporter**
- Everyone Else
Common Entry Point (CEP)

The CEP (1995) is the county unit responsible for receiving oral reports of suspected maltreatment of a vulnerable adult.

Minnesota Adult Abuse Reporting Center (MAARC)

Mark the date; July 1, 2015

Minnesota is launching a new central system for reporting suspected maltreatment of vulnerable adults

- One toll-free phone number for the public
- Website access for mandated reporters

For more information: mn.gov/dhs/adult-protection/

MAARC Mandated Reporter Web Reporting DRAFT Version
In 2014 over 35,000 reports were made to the CEP in MN. The data collection system within SSIS standardizes process.

Statewide Adult Protection Maltreatment Reports by Allegation Type, Percent of Total, 2014

- Caregiver Neglect: 43%
- Self-Neglect: 20%
- Financial Exploitation: 16%
- Physical Abuse: 9%
- Emotion/Mental Abuse: 9%
- Sexual Abuse: 3%

Note: Some reports have more than one allegation. Source: SSIS Data Warehouse
What Happens to Those Reports Made to the CEP/MAARC?

- Evaluation for emergency protective services
- Referral to Law Enforcement (criminal)
- Referral to Medical Examiner and Ombudsman (suspicious deaths)
- Referral to LIA (civil); DHS, MDH, County

County Responsibilities

Dual responsibility:
- Emergency Protective Services 24/7
- LIA Investigation
- Coordination with Law Enforcement

Factors in Determining the Lead Investigative Agency
- Where was the allegation committed?
- Who is the perpetrator?
- If financial exploitation-where is the bank?
- Where is the victim?
- If in a facility, was the allegation related to licensed service?

Emergency Protective Services
The county social service agency is responsible for providing emergency services to stop maltreatment and prevent further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult.

*this is different than conducting an investigation and is done regardless of the LIA

How does Adult Protection (County LIA) Decide When to Investigate?
- Vulnerable Adult
- Maltreatment
- Prioritization Guidelines
Referral to Law Enforcement

- Primary agency when crime alleged
- Exchange data with LIA
- Share results of investigation with LIA

Structured Decision Making (SDM) Tool

- 2009 Six County Collaborative
- Hosted via National Council on Crime and Delinquency
- Secure web based in cloud environment
- Operational 2010
- Statewide availability-January 2013-MBA grant
- Mandated statewide use by county Adult Protective Services-August 2013

SDM Goals

- Establish consistency
- Reinforce clinical judgment
- Validate decisions
- Reduce rates of maltreatment
- All done through 3 modules:
  - Intake
  - Safety Assessment
  - Strengths and Needs
Investigations

- Interview victim, alleged perpetrator and reporter
- Examine the location
- Review documentation
- Access Facilities/Providers
- Consult with professionals

Duties of the County

Adult Protection is charged with offering services in least restrictive alternative
- Prevent further maltreatment; safeguard the person
- Sexual Assault; immediate medical exam
- Offer protective services
- Seek authority to remove VA
- Determine if other VA’s are in jeopardy

Duties of the County Cont’d

- Assist with obtaining a restraining order to remove the perpetrator from the VA’s residence
- Hold Order/Civil Commitment
- Guardianship/Conservatorship
  - appointment or replacement
  - When necessary to protect a Vulnerable Adult from “serious harm”
- Referral for criminal prosecution
Other Options

- Support System
- Referral for legal counsel; surrogate tools POA, trust, HCD
- Referral for case management
- Service referrals i.e. Meals on wheels, home care, waiver eligibility assessment
- Housing
- Medical treatment

Resource

- The Vulnerable Adults Mandated Reporting course is designed to introduce you to:
  - The Vulnerable Adults Act
  - Definition of maltreatment
  - Who are the mandated reporters
  - The Common Entry Point (CEP)
- Found on the DHS website, Adult Protection page – address below
- http://registrations.dhs.state.mn.us/WebManRpt/

Contact Information

Email address: DHS.AdultProtection@state.mn.us

For more information: mn.gov/dhs/adult-protection/

(651) 431-2609