



Vulnerable Adults

Reporting Suspected Maltreatment

Categorical Vulnerable Adult

- 18 years of age or older
- Resident or patient of a facility licensed by MN Department of Human Services (DHS) or MN Department of Health (MDH)
- Receives services from an agency licensed by DHS or MDH
- Receives PCA or home care services

Functional Vulnerable Adult

- 18 years of age or older
- Possess a physical, mental or emotional dysfunction
- That impairs ability to provide adequately for own care without assistance
- And has an impaired ability to protect oneself from maltreatment

What is Maltreatment

- Abuse
- Neglect
- Financial Exploitation

Abuse

- Assault in first through fifth degrees
- Use of drugs to injure or facilitate crime
- Solicitation, inducement and promotion of prostitution
- Criminal sexual conduct
- Conduct which produces or could be expected to produce physical pain or emotional distress

Neglect

- Failure or omission by a caregiver to supply a vulnerable adult with care or services reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety.
- Neglect may be committed by a caregiver or by oneself.

Financial Exploitation

- With fiduciary obligation (conservator, power of attorney)
 - Unauthorized use of funds which results in detriment to the vulnerable adult
 - Failure to use vulnerable adult's assets to provide for needs which is likely to result in detriment to the vulnerable adult.

Financial Exploitation cont.

- Without fiduciary obligation
 - Willful use, withholding or disposal of a vulnerable adult's assets
 - Acquires control of a vulnerable adult's assets through undue influence, harassment, duress, deception or fraud
 - Forces, compels, coerces or entices a vulnerable adult to perform services for the advantage of another

Who is a Mandated Reporter

- A Professional or professional's delegate while engaged in:
 - Social Services
 - Law Enforcement
 - Education
 - The care of vulnerable adult
 - Any occupation referred to in section 214.01, subd.2
 - An employee of a rehab. facility
 - A person providing services in a facility.

Reporting Requirements

- A mandated reporter shall immediately make an oral report to the Minnesota Adult Abuse Reporting Center (MAARC)
- A mandated reported may disclose not public data
- Reporting requirements may be met by an internal reporting procedure

Exemptions from Reporting

- Federal law that prohibits release of information without patient consent
- Resident to resident abuse or self abuse not causing serious harm
- Accidents as defined in statute
- Events in facilities that result from individual error in provision of therapeutic conduct

Penalty for Failure to Report

- If you are a mandated reporter and negligently or intentionally fail to report suspected maltreatment, you may be held liable for any damages or harm caused by your failure to report.
- Criminal charges for failing to report are possible.
- Loss of job

Minnesota Adult Abuse Reporting Center (MAARC)

- Toll free number for the general public is **844-880-1574**
- Website access for mandated reporters is **mn.gov/dhs/reportadultabuse/**
- State-wide common entry point available
24/7

Confidentiality

- The identity of the reporter may not be released unless the reporter consents or by court order
- A facility or person is prohibited from retaliation against any person who reports in good faith

MAARC Dispatches Reports

- Minnesota Department of Human Services
- Office of Health Facility Complaints
- Local Law Enforcement
- Clay County Social Services

Investigation Process

- Receive report – screen to investigate or not
- Coordinate with law enforcement if necessary
- Check history for previous services, reports or police reports
- Contact reporter and collateral contacts
- Interview VA; refer for necessary services
- Interview alleged perpetrator
- Make determination

Final Dispositions

- Substantiated – preponderance of evidence shows maltreatment occurred
- False – preponderance of evidence shows maltreatment did not occur
- Inconclusive – less than preponderance of evidence to show that maltreatment did or did not occur
- No determination made

Penalties for Substantiated Maltreatment

- Loss of right to work in a facility or agency
- Loss or professional license
- Criminal penalties

Duties of County Adult Protection

- Assess and offer emergency and continuing protective social services to prevent further maltreatment
- Share all investigation information with DHS
- When necessary, remove the VA from the situation
- If needed, enter the facility to inspect and copy records needed for investigation

Potential Remedies

- Restraining order or court order for removal of perpetrator from VA's home
- Appointment of a guardian or conservator
- Replacement of a guardian or conservator
- Referral to County Attorney for criminal prosecution

Other Protective Measures

- Referral for in-home services and/or a program such as Alternative Care (AC) or a Medicaid waived program such as CADI, EW, TBI, CAC
- Referral for case management
- Assistance in obtaining needed services, such as doctor appointment, credit counseling, food basket, etc.

For More Information

- MN DHS Website:

<http://www.mn.gov/dhs/>

- MN Dept of Health Website:

<http://www.health.state.mn.us>

- MN Statutes chapter 626.557:

<http://www.leg.state.mn.us/leg/statutes.asp>

Thank you for your interest

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Adult Protection

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