

# Vulnerable Adult Maltreatment Reconsideration Review Panel

Aging and Adult Services Division  
January 2017



Minnesota Department of **Human Services**

## Legislative Report

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Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$560.

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Vulnerable Adult Maltreatment Reconsideration Review Panel

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**I. Legislation**

**Minnesota Statutes 2015, section 256.021 VULNERABLE ADULT MALTREATMENT REVIEW PANEL.**

**Subdivision. 3. Report.**

By January 15 of each year, the panel shall submit a report to the committees of the legislature with jurisdiction over section 626.557 regarding the number of requests for review it receives under this section, the number of cases where the panel requires the lead investigative agency to reconsider its final disposition, and the number of cases where the final disposition is changed, and any recommendations to improve the review or investigative process.

## II. Introduction

The Minnesota Legislature requires the Minnesota Department of Human Services to establish a panel to review investigation dispositions by lead investigative agencies of alleged vulnerable adult maltreatment reported to the common entry point. There are two types of lead investigative agencies: 1) State regulatory agencies, specifically the Minnesota Department of Human Services, Division of Licensing, and the Minnesota Department of Health, Office of Health Facility Complaints; and 2) all county social service agencies. This results in a total of 89 vulnerable adult maltreatment lead investigative agencies.

An investigation of alleged maltreatment may be determined as having a disposition of either: substantiated, inconclusive, false, or that no determination will be made.

The **Vulnerable Adult Maltreatment Review Panel** (Panel) [Minnesota Statutes §256.021] was established to give vulnerable adults, or an interested party to the vulnerable adult, an opportunity to have the final investigative determination of the lead investigative agency reviewed. The vulnerable adult or interested party must first request an Administrative Reconsideration from the lead investigating agency before requesting a Panel review. If the action taken by the lead investigating agency does not satisfy the vulnerable adult's or interested party's concerns, they may make a written request to the Panel for review.

The authority of the Panel is limited to requesting a lead investigative agency to re-visit a maltreatment investigation, focusing on specific issues delineated by the Panel. It does not have the authority to order the lead investigative agency to change its final determination.

The Panel is made up of six (6) members listed in the chart below.

<b>Vulnerable Adult Maltreatment Review Panel Member</b>	<b>Member's Designee</b>
Commissioner of Health	Pam York Don Bishop, 10-25-16
Commissioner of Human Services	Corrie Oberg
Ombudsman for Long-Term Care	Jim Dostal
Ombudsman for Mental Health & Developmental Disabilities	Andrea Ayres
Minnesota Board on Aging	Cheryl Klinkhammer
County Human Services Administrators	Deb Tulloch

## Vulnerable Adult Maltreatment Reconsideration Review Panel

The legislation requires quarterly meetings of the Panel. Four meetings were held in calendar year 2016. The Continuing Care Administration’s Aging and Adult Services Division is responsible for drafting the Panel report and does so based on recommendations of cases reviewed at Panel meetings. The recommendations are laid out below and include the number of cases reviewed each quarter, the affirmation of the findings in each case, as well as any Panel request to the lead investigative agency to reconsider their findings.

During 2016, the Panel received six (6) requests for reconsideration to review.

- One (1) request for reconsideration was reviewed from the **Minnesota Department of Health**. The Panel affirmed the (1) final determination.
- Two (2) requests for reconsideration were reviewed from the **Minnesota Department of Human Services, Division of Licensing**. The panel affirmed one (1) final determination. The panel requested reconsideration of one (1) final determination.
- Three (3) requests for reconsideration were reviewed from three (3) **County Social Services Agencies (County)**. The Panel affirmed two (2) of the final determinations by the two (2) county lead investigative agencies. The Panel requested reconsideration of one (1) final determination by a county lead investigative agency.

### 2016 Minnesota Vulnerable Adult Maltreatment Reconsideration Panel Meetings

<b>Date of Meeting</b>	<b>Dep’t Health - Requests for Panel review</b>	<b>Dep’t Health – Panel Requests for Reconsideration by lead investigative agency</b>	<b>Dep’t Human Services – Requests for Panel review</b>	<b>Dep’t Human Services – Panel Requests for Reconsideration by lead investigative agency</b>	<b>County – Requests for Panel review</b>	<b>County – Panel Requests for Reconsideration by lead investigative agency</b>
January 28, 2016	0	0	0	0	1	0
April 28, 2016	1	0	1	1		0
July 28, 2016	0	0	0	0	1	1
October 27, 2016	0	0	1	0	1	0
<b>Totals</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>

## Vulnerable Adult Maltreatment Reconsideration Review Panel

As of December 31, 2016, the Panel requested two (2) reconsiderations of cases reviewed in 2016. The two (2) requests for reconsideration resulted in each of the two (2) lead investigative agencies changing the final determination as result of the panel's request for reconsideration. The Panel requested additional information from the lead investigative agency in zero (0) cases. The Panel affirmed the lead investigative agency resolutions in the remaining four (4) cases.

**III. Report recommendations**

The Panel has no recommendations for improvement to the Vulnerable Adult Maltreatment Review Panel process at this time. Quarterly meetings for 2017 are scheduled for the fourth week in January, April, July, and October.