



# Legislative Report

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## Vulnerable Adult Maltreatment Reconsideration Review Panel

### **Aging and Adult Services Division**

January 2021

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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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# 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 for alleged vulnerable adult maltreatment reported to the Minnesota Adult Abuse Reporting Center (MAARC), the common entry point designated by the commissioner of human services. There are two types of lead investigative agencies responsible for reports of suspected maltreatment: 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. No tribes have assumed responsibilities for civil maltreatment investigations.

The civil lead investigative agency makes a determination about the report of suspected maltreatment at the conclusion of the agency’s investigative activities. A preponderance of the evidence standard is used. Investigations are determined as having a final disposition of either: substantiated, inconclusive, false, or that no determination will be made.

The **Vulnerable Adult Maltreatment Review Panel** (Panel) was established in Minnesota Statutes section 256.021 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.

Table 1 - Vulnerable Adult Maltreatment Review Panel Members

Vulnerable Adult Maltreatment Review Panel Member	Member’s Designee
Commissioner of Health	Stanton Shanedling
Commissioner of Human Services	Elizabeth Oji
Ombudsman for Long-Term Care	Sally Schoephoerster
Ombudsman for Mental Health & Developmental Disabilities	Andrea Ayres
Minnesota Board on Aging	Lynnette Buckley (until 8/21/20) Linda Giersdorf (began 8/22/20)
County Human Services Administrators	Phyllis Reller

The legislation requires quarterly meetings of the Panel. Three meetings were held in calendar year 2019 based on requests for review. The July meeting was cancelled because there were no requests for review. 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 Panel’s reconsideration actions 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 2020, the Panel received seven (7) requests for reconsideration to review.

- Three (3) requests for reconsideration were reviewed from the **Minnesota Department of Health**. The Panel affirmed two (2) final determinations. The panel requested reconsideration of one (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.
- Two (2) requests for reconsideration were reviewed from two (2) **County Social Services Agencies (County)**. The Panel affirmed two (2) final determinations.

## 2020 Minnesota Vulnerable Adult Maltreatment Reconsideration Panel Meetings

Table 2 - Requests for Panel review

Date	MDH	DHS	County Social Service Agencies
1/23/20	0	0	0
4/23/20	0	1	0
8/23/20	2	1	1
10/22/20	1	0	1
<b>Totals</b>	<b>3</b>	<b>2</b>	<b>2</b>

Table 3 - Requests by Lead Investigative Agency

Date	MDH	DHS	County Social Service Agencies
1/23/20	0	0	0
4/23/20	0	0	0
8/23/20	0	1	0
10/22/20	1	0	0
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>0</b>

The Panel requested two (2) reconsiderations of cases reviewed in 2020<sup>1</sup>:

- One (1) request for reconsideration did not result in the lead investigative agency changing the final determination as result of the Panel's request for reconsideration.
- One request for reconsideration did result in one (1) lead investigative agency changing the final determination as result of the Panel's request for reconsideration.

The Panel affirmed the lead investigative agency resolutions in the remaining five (5) cases.

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<sup>1</sup> The Panel requested additional information from the lead investigative agency in zero (0) cases in 2020.

### **III. Report recommendations**

The Panel has no recommendations for improvement to the Vulnerable Adult Maltreatment Review Panel process at this time. Quarterly meetings for 2021 are scheduled for the fourth week in January, April, July, and October.