



Legislative Report

Vulnerable Adult Maltreatment Reconsideration Review Panel

Aging and Adult Services Division

January 2023

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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 revisit 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.

Vulnerable Adult Maltreatment Review Panel Member	Member's Designee
Commissioner of Health	Stanton Shanedling (ended April 24, 2022) Beatriz Menanteau (began April, 25 2022)
Commissioner of Human Services	Kimberly Ralidak
Ombudsman for Long-Term Care	Lori Goetz

Vulnerable Adult Maltreatment Review Panel Member	Member's Designee
Ombudsman for Mental Health & Developmental Disabilities	Andrea Ayres
Minnesota Board on Aging	Linda Giersdorf (ended 10/28/2022) Tammi Dahlman (began 10/29/2022)
County Human Services Administrators	Phyllis Reller

The legislation requires quarterly meetings of the Panel. Four meetings were held in calendar year 2022 based on requests for review. The Aging and Disability Services 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 2022, the Panel received seven (7) requests for review.

- One (1) request for review for an investigation by the **Minnesota Department of Health**. The Panel affirmed the final determination.
- One (1) request for review for an investigation completed by the **Minnesota Department of Human Services, Division of Licensing**. The Panel affirmed the final determination.
- Five (5) requests for review for investigations completed by **County Social Services Agencies**. The Panel affirmed all five (5) final determinations.

2022 Minnesota Vulnerable Adult Maltreatment Reconsideration Panel Meetings

Date of Meeting (All 2022)	Department of Health		Department of Human Services		County Social Service Agencies	
	Requests for Panel review	Panel Requests for Reconsideration by lead investigative agency	Requests for Panel review	Panel Requests for Reconsideration by lead investigative agency	Requests for Panel review	Panel Requests for Reconsideration by lead investigative agency
February 10	1	0	1	0	1	0
April 28	0	0	0	0	2	0
July 28	0	0	0	0	1	0
October 28	0	0	0	0	1	0
Total	1	0	1	0	5	0

The Panel requested zero (0) reconsiderations of cases reviewed in 2022¹

The Panel affirmed the lead investigative agency resolutions in all seven (7) cases.

¹ The Panel requested additional information from the lead investigative agency in zero (0) cases in 2022.

III. Report recommendations

The Panel has no recommendations for improvement to the Vulnerable Adult Maltreatment Review Panel process at this time. Quarterly meetings for 2023 are scheduled for the fourth week in January, April, July, and October.