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December 30, 1994

Dear Members of the Legislature:

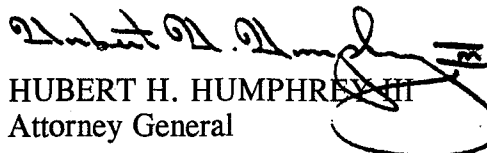
The Attorney General's Office, in cooperation with the Department of Health and the Department of Human Services, has completed a detailed plan to comprehensively reform systemic flaws in the Vulnerable Adult Act (VAA), Minnesota Statutes, section 626.557. The plan complies with your directive detailed at 1994 Minn. Laws, ch. 636, art. 2, sec. 68. The 1995 VAA Reform Initiative addresses a series of key problems with the current act, including vague definitions, a confusing reporting structure, duplicative investigation requirements and an inconsistent penalty scheme. The proposal brings precision, simplicity, efficiency and fairness to this important protection system.

As your directive required, we worked with the advisory committee established under 1993 law, law enforcement agencies, representatives of labor organizations and professional associations affected by the VAA to develop comprehensive recommendations. The 1995 VAA Reform Initiative also addresses the issues identified in the report "The Minnesota Vulnerable Adult Act: An Outline For Reform" submitted to the legislature during the 1994 legislative session.

The 1995 VAA Reform Initiative, which details our comprehensive system reform recommendations, has been provided to House Research and will be introduced in January. Enclosed please find a summary of our recommendations, the key steps in our intensive work on system reform and a list of participants.

Thank you for your attention to this matter. I look forward to working with you on this and other important issues during the 1995 legislative session.

Best regards,


HUBERT H. HUMPHREY III
Attorney General

Enclosures

Pursuant to 1994 Minn. Laws Chap. 636
Art. 2 Sec. 68

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THE VULNERABLE ADULT ACT REFORM INITIATIVE

APR 20 1995

Improved Protection Necessary and Possible

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The Vulnerable Adult Act (VAA) was designed to meet our obligation to provide protection for some of society's most easily victimized members. Since the VAA was first enacted in 1980, many professionals, and the individuals in need of its protections, have recognized a need to revise the current law. The many parties affected by the law have differing perspectives on its flaws, but all agree the VAA is an integral part of providing much needed protection for vulnerable adults.

Unprecedented Cooperative Effort

Beginning in May of 1993, in an unprecedented cooperative effort, the Attorney General, the Departments of Health and Human Services, provider groups (including Care Providers of Minnesota, the Association of Residential Resources in Minnesota, and the Minnesota HomeCare Association), representatives from the Minnesota Chiefs of Police and Minnesota State Sheriffs Association, county social service agencies, advocacy groups (including the Minnesota Alliance for Health Care Consumers and the Ombudsmen for Older Minnesotans and Mental Health and Mental Retardation), organized labor and others came together to evaluate the current VAA. This collaborative Working Group surveyed the field state wide, identified systemic flaws with the current process, crafted consensus solutions for improvement and produced a comprehensive VAA reform proposal.

The 1994 legislature accepted the Working Group's preliminary report and in response: (1) clarified that agencies must use uniform standards of evidence when determining whether maltreatment of a vulnerable adult occurred; and (2) mandated the Working Group to provide a detailed plan to implement the recommendations detailed in its 1994 outline for reform.

The 1995 comprehensive VAA reform bill fulfills this legislative mandate and reflects the Working Group's nearly two years of intensive work on system reform.

**Precision, Simplicity, Efficiency and
Fairness: Cornerstones of the VAA Reform Initiative**

These core reform principles are reflected in the four key areas of the bill.

- ** **Definitions:** The precise new definitions clarify key terms in the law such as abuse, neglect, financial exploitation, accident and therapeutic conduct. This clarity will help eliminate current confusion over what to report and how to respond.
- ** **Reporting and Initial Response:** The VAA is streamlined by allowing reporters to call one place which will dispatch the information to the agency best suited for response.
- ** **Investigations:** The bill designates one lead investigative agency, eliminates current duplication, imposes timelines for response and includes a clear appeal route to ensure due process.
- ** **Consequences:** The bill includes a range of consequences for perpetrators to fairly reflect the circumstances of the event and the gravity of harm. Consequences range from training requirements, to disqualification from employment with vulnerable adults, to the rare case, criminal prosecution.

HISTORY OF THE 1995 VAA REFORM INITIATIVE

- * In 1980 the legislature enacted the Vulnerable Adult Act (VAA) ". . . to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to abuse or neglect..." Since the VAA was enacted, many professionals, and the individuals in need of its protections, have recognized the need to revise the current law to remedy its vague definitions, confusing reporting structure, duplicative investigation mandate and inconsistent consequences.
- * In the spring of 1993, the Attorney General's Office and Care Providers of Minnesota agreed to work together to create an inclusive process to analyze the current VAA by identifying systemic problems and proposing consensus solutions. As a first step, they formed a Working Group, including many VAA system stakeholders, to perform this comprehensive assessment. At the same time, the Association for Residential Resources in Minnesota (ARRM) proposed legislation which became law and mandated that the Minnesota Departments of Health and Human Services convene an advisory committee to "make recommendations on the means of preventing maltreatment of vulnerable adults and for the provision of protective services to vulnerable adults." The Working Group served as this advisory committee.
- * In August 1993, the Working Group drafted and distributed over 2,800 discipline-specific surveys to individuals and institutions across Minnesota. The 768 completed surveys helped the Working Group learn how the VAA was actually working.
- * In November 1993, the Working Group convened an Invitational Working Conference on VAA issues where over eighty individuals from different professional disciplines came together to exchange ideas and identify how to improve the VAA.
- * The Working Group extensively reviewed other states' vulnerable adult protection systems to identify best practices and ensure that Minnesota's reform effort created the best system possible.
- * Based on the research, surveys, conference and extensive discussions, the Working Group identified thirteen system reform principles which were outlined in a 1994 report submitted to Attorney General Hubert H. Humphrey III and the Minnesota legislature.
- * The legislature accepted the report, and in 1994 law clarified that agencies must use uniform standards of evidence when determining whether maltreatment of a vulnerable adult occurred and mandated the Working Group to provide a detailed plan to implement its recommendations by 1995.
- * The Working Group continued extensive debate, made many presentations about the reform effort to gain input from diverse groups, completed a draft comprehensive reform proposal, and on October 11, 1994 convened a Second Invitational Working Conference to evaluate the proposal, where almost two hundred people participated.
- * After considering the conference participants' views and those of many other organizations, the Working Group completed the 1995 comprehensive VAA reform bill.

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* Participation by an individual or organization does not necessarily indicate support for each concept in the bill. Individuals and organizations other than those listed also participated in parts of the drafting process.