



STATE OF MINNESOTA
L'Étoile du Nord

Office of Governor Mark Dayton

A Bipartisan Plan to Protect the Health and Safety of Seniors and Vulnerable Adults in Minnesota

Minnesota has nearly 2,000 privately-run nursing homes, housing with services, and assisted living settings, which together provide care to over 82,000 older and vulnerable adults.

The Minnesota Department of Health's Office of Health Facility Complaints (OHFC) is charged with ensuring that these Minnesotans—our parents, grandparents, and fellow citizens—get the safe, quality care they need. In recent years, the number allegations of abuse filed with the OHFC has increased more than 50 percent, reaching 24,100 total complaints last year.

OHFC has struggled to keep pace with the growth in complaints at private facilities, faced with the challenges of understaffing, inadequate management practices, and an antiquated case file system. Working with the Department of Human Services, the Department of Health has worked hard to improve operations and reduce the backlog of unreviewed abuse complaints. These efforts have already produced results, eliminating the backlog of more than 2,321 complaints since December 2017. Thanks to aggressive action taken by MDH and DHS, an interim system to electronically process complaints was implemented in February 2018, helping OHFC to more efficiently review the over 400 new complaints of elder abuse it receives each week.

Governor Dayton, and Republicans and Democrats in the Legislature, are putting forward a bipartisan plan to protect seniors and vulnerable adults in Minnesota would build on this progress to enhance the health, safety, and quality-of-life of older and vulnerable adults in residential care facilities. Learn more about the bipartisan proposal below.

Improving Licensing Regulation, Enforcement, Reporting and Investigations in Response to the Office of the Legislative Auditor's Report

Improving Communication and Reporting at the Office of Health Facility Complaints

With increasing allegations of abuse in private assisted living settings, the bipartisan proposal would improve complaint filing and communication with families at the Office of Health Facility Complaints and the Minnesota Adult Abuse Reporting Center. The plan also would support efforts to make agency policies more responsive to developing feedback and complaints trends. These efforts would help ensure that victims and their families receive justice, while violating facilities are held accountable in a timely manner.

<p>Continuing Improvements and Collaboration Between the Legislative and Executive Branches</p>	<p>To ensure Minnesota continues to improve on the serious issue of safety for seniors and vulnerable adults, the bipartisan proposal would establish a new legislative task force to make further recommendations in the years ahead, and would provide funding for the Department of Health to make continued upgrades to processes and technology to strengthen protections for older and vulnerable adults. The proposal would also continue to review and assess the current criminal code, to look for ways it might be further strengthened to protect vulnerable adults.</p>
<p>Supporting Local Efforts to Investigate Abuse Complaints</p>	<p>The bipartisan proposal would provide grants to counties across the state to facilitate local investigations of abuse complaints. These county governments are often best-positioned to respond quickly to local concerns, but lack the resources they need to complete investigations efficiently and thoroughly.</p>
<p>Partnering with Local Law Enforcement to Better Respond to Suspected Criminal Abuse</p>	<p>The proposal would accelerate the speed at which reports are submitted to local law enforcement in cases where crimes are suspected, and would provide law enforcement with resources to better respond in these situations.</p>

Strengthening and Expanding the Rights of Older and Vulnerable Adults and Their Families

<p>Increasing Transparency for Older and Vulnerable Adults, their Families, and the Public</p>	<p>One of the major challenges facing families with an older or vulnerable adult is selecting a private assisted living facility that they know they can count on for quality care. All Minnesotans deserve assurances that their parents, grandparents, and other loved ones are in good hands. The proposal would crack down on deceptive marketing and bad business practices, to ensure families know up front the kind of care their loved ones will receive.</p> <p>The proposal would also clarify the right of family members to place a camera in the room of their loved ones to monitor care. The proposal would also strengthen the right to know about allegations of abuse for both families and the public, to ensure allegations are being investigated fully and so that other families can make informed decisions about where to place their loved ones into care.</p>
<p>Strengthening the Rights of Older and Vulnerable Adults and their Families</p>	<p>The proposal would expand the rights of older and vulnerable adults living in assisted living settings and their families, and increases the capacity of the Office of the Ombudsman for Long-Term Care to protect these rights. These changes will help improve communications between facilities and families, especially in situations where known abuse has occurred.</p>

<p>Giving Residents the Right to Appeal the Termination of Housing or Home Care Services</p>	<p>The bipartisan proposal would allow residents to appeal housing or home care decisions made by providers to the Office of Administrative Hearings.</p>
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Enhancing Criminal and Civil Enforcement of Rights

<p>Strengthening the Enforcement of Civil and Criminal Rights</p>	<p>The bipartisan proposal would strengthen the civil rights of older or vulnerable adults, to allow them to go to court to defend their rights. It would clarify the right of victims to challenge maltreatment findings, and would strengthen criminal penalties, allowing local prosecutors to charge perpetrators with a gross misdemeanor for assault of a vulnerable adult for threats and non-physical abuse against a vulnerable adult.</p>
<p>Empowering Families to Act as Advocates for Loved Ones</p>	<p>The proposal would allow family members to sue on behalf of their loved ones. In the tragic case of an older or vulnerable adult passing away due to an alleged abuse, the proposal would ensure family members could continue any existing lawsuits regarding the alleged abuse.</p>

New Licensing Frameworks for Assisted Living and Dementia Care

<p>Strengthening Licensing Requirements for Assisted Living and Dementia Care Facilities</p>	<p>Right now, home care services provided in assisted living settings are the only part of care required to be licensed. Based on the recommendations of the AARP, the bipartisan proposal announced today would update and strengthen licensing requirements for all assisted living and dementia care settings to improve management practices and patient care.</p>
<p>Boosting Protections for Older Adults on Elderly Waiver</p>	<p>The proposal would ensure that older adults living in assisted living and going onto the Elderly Waiver program would not be forced to move or have a roommate. In addition, providers receive additional education about the Elderly Waiver program and eligibility process.</p>