



# Minnesota Vulnerable Adult Act (VAA): Opportunities, Obstacles and Outcomes

MINNESOTA  
ELDER JUSTICE  
CENTER

**mn** DEPARTMENT OF  
HUMAN SERVICES  
ADULT PROTECTION

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# ACL Definition of Adult Protective Services

Adult protective services (APS) is a social services program provided by government serving older adults and adults with disabilities who are in need of assistance because of adult maltreatment, which is abuse, neglect, self-neglect or financial exploitation.

# National Adult Protective Services Association



National Adult Protective Services Association

# NAPSA Ethical Practice Guidelines

- Adults have the right to be safe.
- Adults retain all their civil and constitutional rights, i.e., the right to live their lives as they wish, manage their own finances, enter into contracts, marry, etc. unless a court adjudicates otherwise.
- Adults have the right to make decisions that do not conform with societal norms as long as these decisions do not harm others.
- Adults have the right to accept or refuse services.

# Minnesota Statute 626.557 – Vulnerable Adult Act (VAA)

The screenshot shows the Minnesota Legislature website. At the top, there is a navigation menu with links for House, Senate, Joint, Schedules, Committees, Bills, Law, Multimedia, and Publications. Below the menu is a banner image of the Minnesota State Capitol building with the golden statues in front. The text "Office of the Revisor of Statutes" is overlaid on the banner. Below the banner is a search bar with the text "Retrieve by number" and a dropdown menu set to "Statut". To the right of the search bar are links for Statutes, Laws, Rules, Court Rules, Constitution, Revisor's Office, and Search Law by Keyword. Below the search bar is a breadcrumb trail: "2018 Minnesota Statutes > CRIMINAL PROCEDURE; PEACE OFFICERS; PRIVACY OF COMMUNICATIONS > Chapter 626 > Section 626.557". Below the breadcrumb trail is a link for "626.5565". Below the link is the text "2018 Minnesota Statutes". Below the text is the text "626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS."

Minnesota Legislature

House ▾ Senate ▾ Joint ▾ Schedules ▾ Committees ▾ Bills ▾ Law ▾ Multimedia ▾ Publications ▾

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[2018 Minnesota Statutes](#) > [CRIMINAL PROCEDURE; PEACE OFFICERS; PRIVACY OF COMMUNICATIONS](#) > [Chapter 626](#) > Section 626.557

◀ [626.5565](#)

2018 Minnesota Statutes

**626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.**

# MN Adult Protection Statutory History

Maltreatment of Vulnerable Adult Reporting Act establishes state policy for vulnerable adults

1980

MN Statute 626.557; known as Vulnerable Adult Act (VAA)

1995

MN Statute 626.5572 changes reporting from LIA to county-based and provides definitions of terms in statute 626.557

MN Adult Abuse Reporting Center (MAARC) begins operations as the state's Common Entry Point (CEP)

2015

# State Policy Protection of Vulnerable Adults

## **1980** Maltreatment of Vulnerable Adult Reporting Act

- Report
- Refer
- Respond
- Protect



# Categorical Vulnerable Adult

## *MN §626.5572 Subd. 21 (1)–(3)*

A person, 18 years of age or older, who is a:

- Resident or inpatient of a facility; hospital, nursing home, ICFDD, residential or non-residential facility regulated by MDH or DHS,

OR

- Receives services from a facility or service regulated under 245A (including PCA)

OR

- Recipient of home care or hospice services from provider regulated by MDH under 144A; includes Assisted Living/Customized Living

# Functional Vulnerable Adult

## *MN §626.5572 Subd. 21 (4)*

A person 18 years of age or older who, regardless of residence or service has an:

- impairment or disability, and because of this impairment has:
    - an impaired ability to meet basic needs,
- AND
- an impaired ability to protect self from maltreatment.

# Maltreatment

## *MN §626.5572 Subd. 15*

Abuse (physical, sexual, emotional)

Neglect (caregiver or self)

- Failure to provide for basic needs: food, clothing, shelter, health care or supervision, absence of essential services, etc.

Financial Exploitation (with or without fiduciary relationship)

- Failure to spend for the benefit of the VA, unauthorized spending, withholding or disposing funds, etc.

# When Required to Report: Mandated Reporter

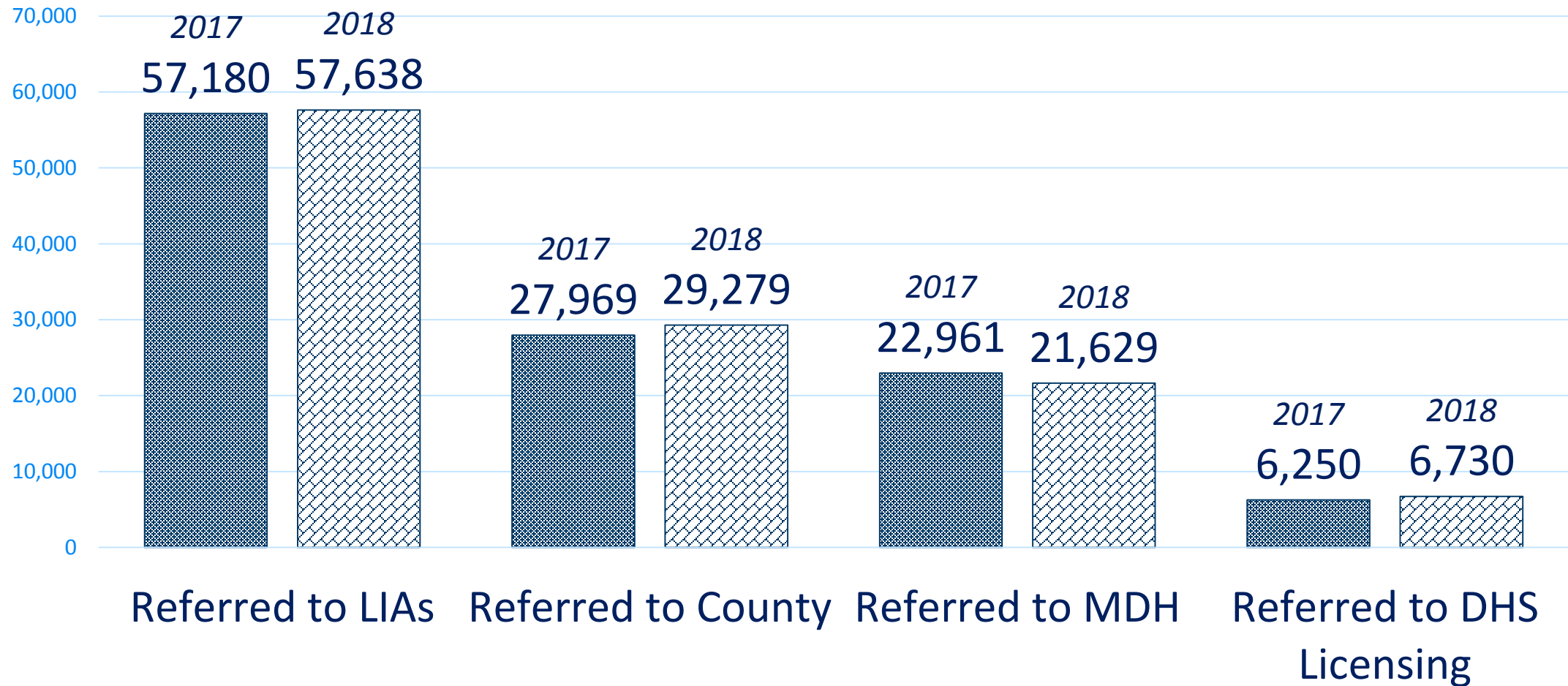
## Standard for Reporting:

- Suspected maltreatment
- Unexplained Injury
- Injury or Harm from Therapeutic Conduct Error
- Report immediately; as soon as possible, within 24 hours of initial knowledge

\*Voluntary reporters, report anytime

# Statewide LIA Data 2017-18

Data Source: DHS Data Warehouse



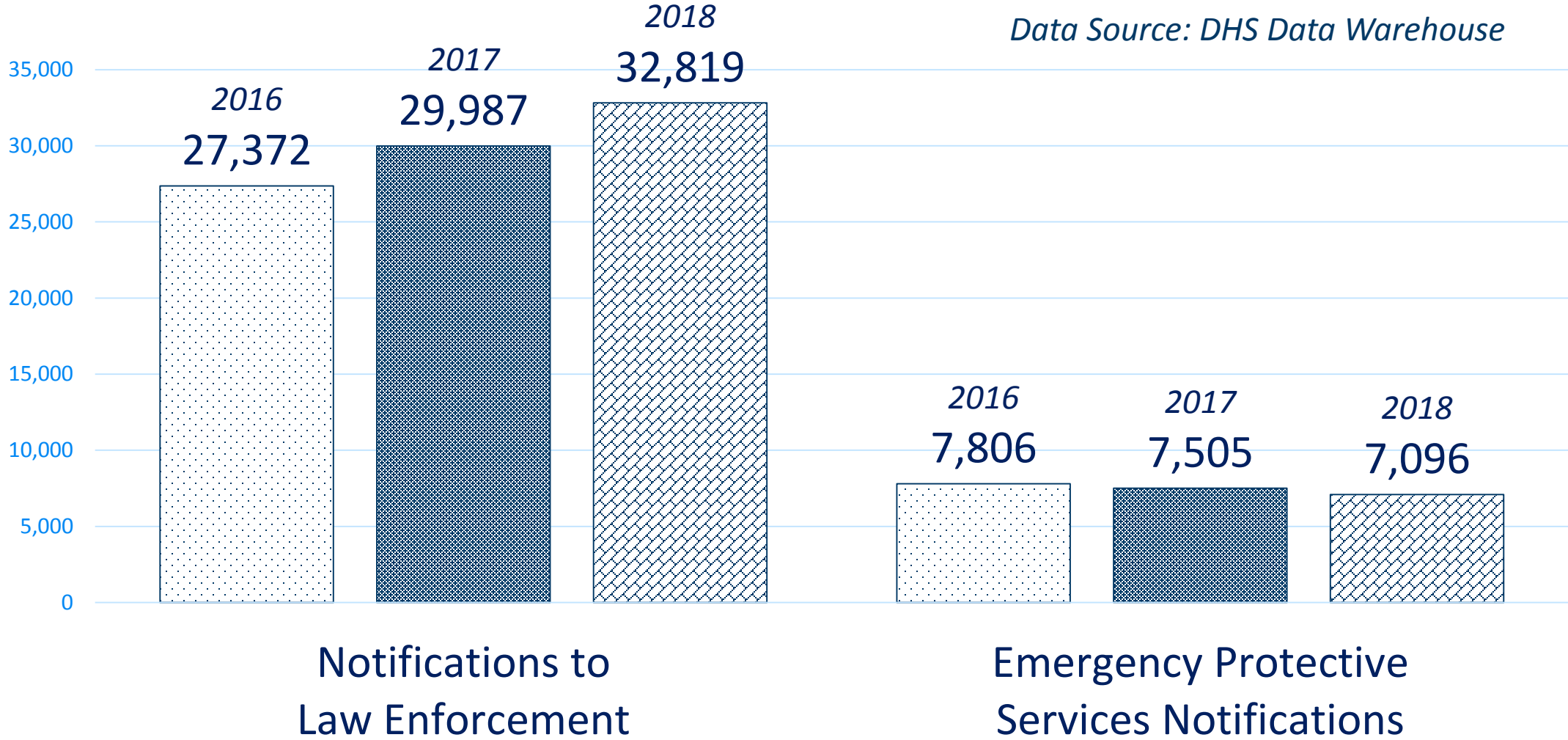
# Who Reports?

<b>MAARC Reports</b>	<b>CY17</b>	<b>CY18</b>
Mandated Reporter	80%	84%
Voluntary Reporter	16%	12%
Unknown	4%	3%

Data Source: DHS Data Warehouse and Contractor Data

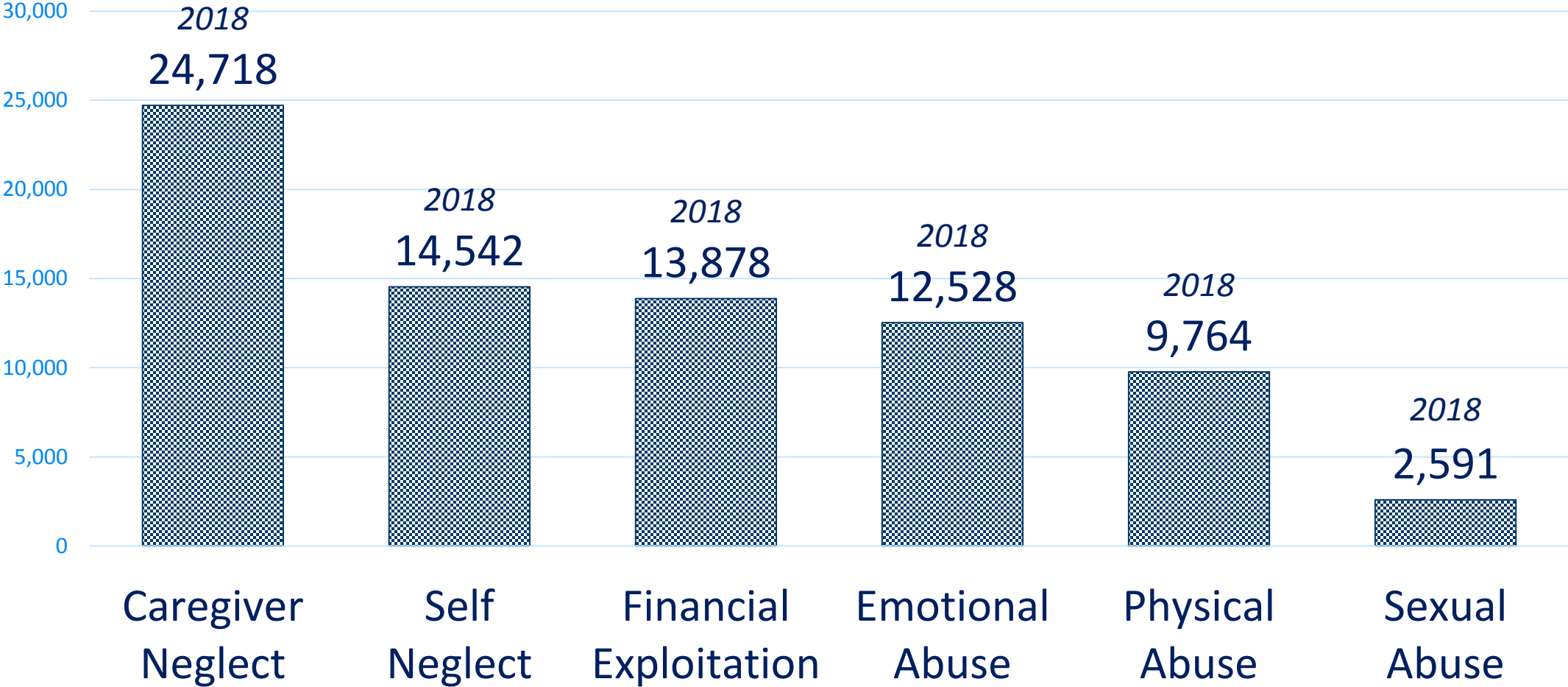
# Law Enforcement & EPS Notification Data 2016-18

Data Source: DHS Data Warehouse



# 2018 Allegations Breakdown: 78,021 total

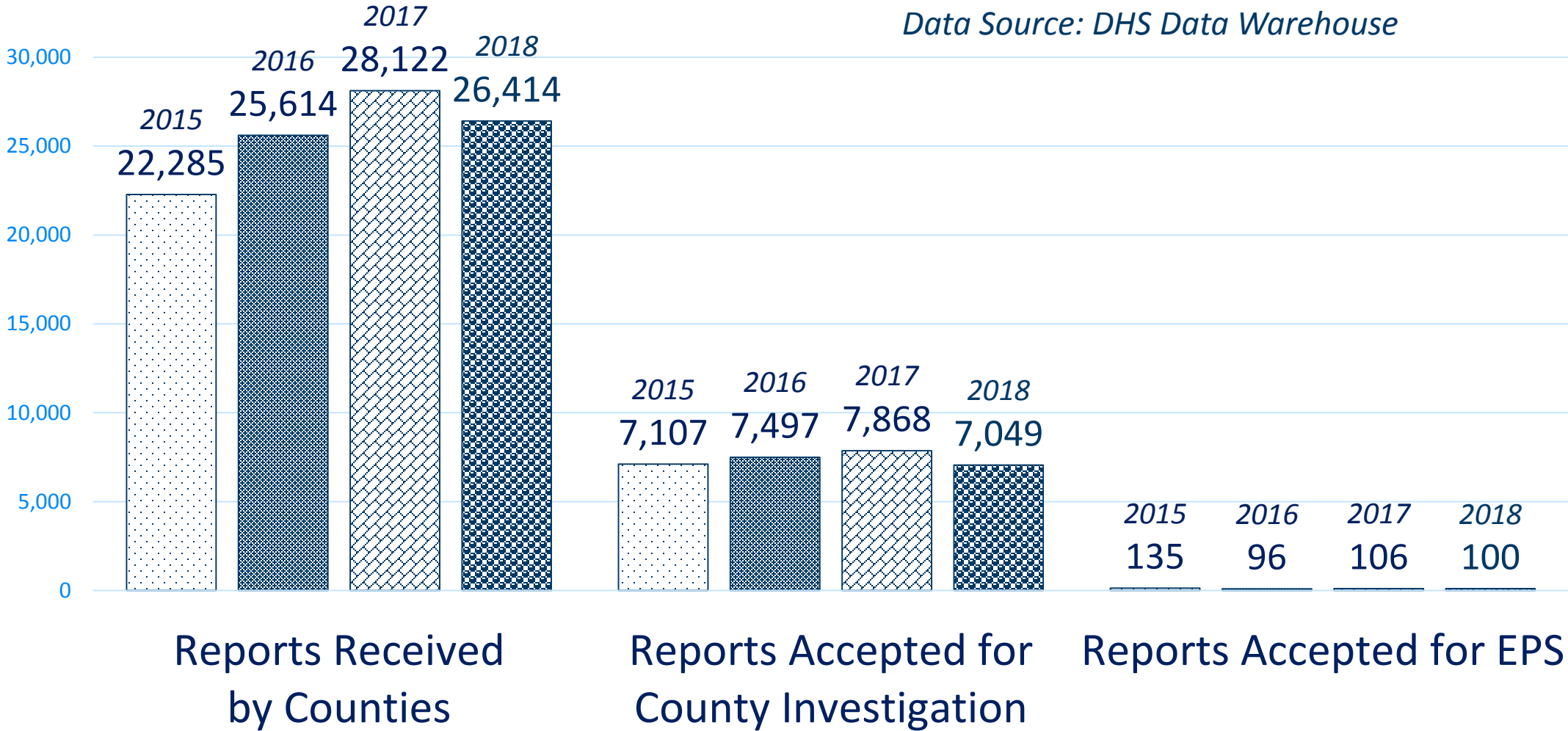
Data Source: DHS Data Warehouse





# County Report Data 2015-18

Data Source: DHS Data Warehouse



# Financial Exploitation (FE) Statewide Data 2018

## Breakdown: Fiduciary vs. Not Fiduciary Relationship

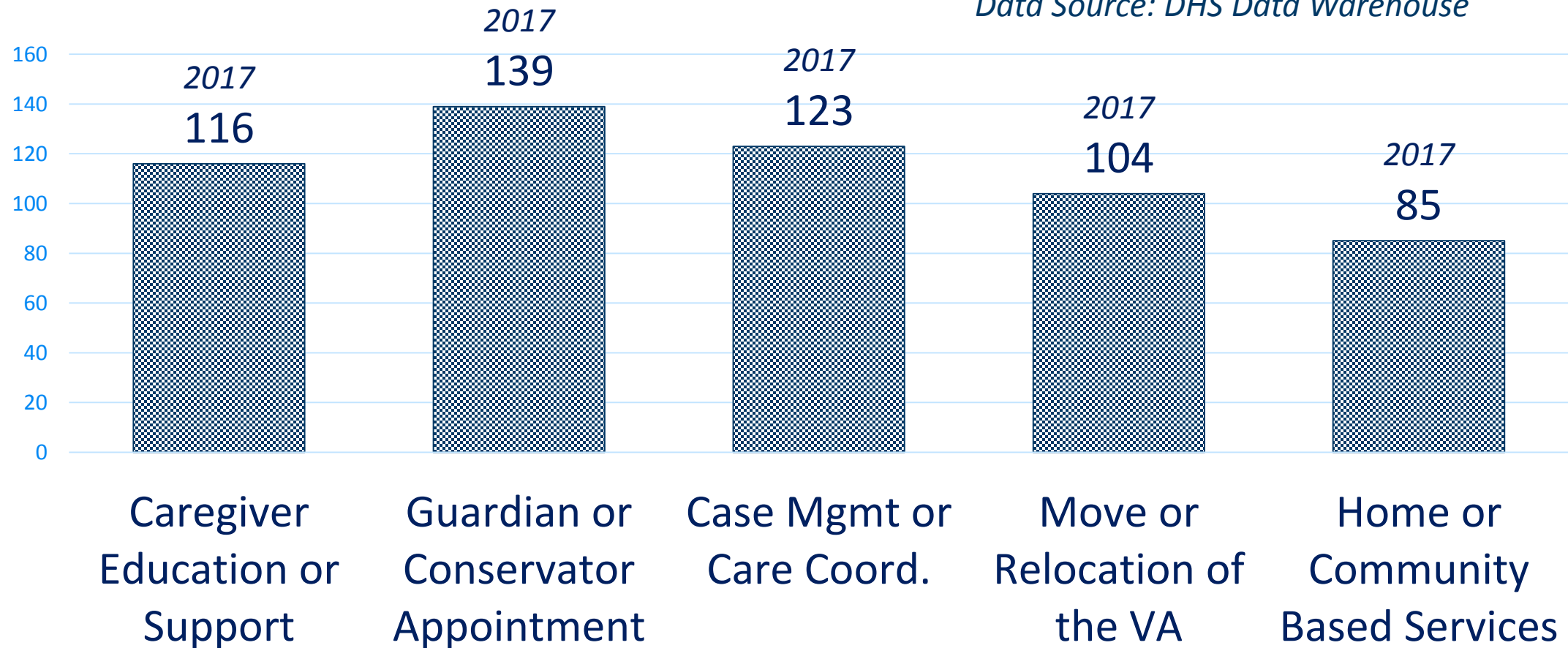
Allegations	Total FE Allegations	Total FE w/ Determination	False	Inconclusive	No Determination – Investigation Not Possible	No Determination – Not a Vulnerable Adult	Substantiated
FE Fiduciary Relationship	2840	947	427	218	90	44	168
FE Not Fiduciary Relationship	7610	1709	566	436	277	230	200

*Data Source: DHS Data Warehouse*

# Most Common AP Service/Interventions: 2017\*

**1439 total Interventions**

*Data Source: DHS Data Warehouse*



# Exploring VAA Redesign

Given changing demographics in MN and recognition of challenges within the current statute, what policy framework best supports a person-centered adult protection system?

# VAA Redesign Process

## Phase 1

- Research
- Public Sector Consultants (PSC)
- Review of state and national policies, APS models, and best practices
- Develop stakeholder outreach and engagement plan

## Phase 2

- Stakeholder engagement
- Bring proposed VAA updates to diverse stakeholders for review and input to ensure consensus on a redesigned system

# VAA Redesign Questions slide 1 of 2

- Should the system move from response to maltreatment toward prevention?
- Do a caregiver's good intentions matter when a person is unintentionally neglected?
- What about the opinion of the person who is vulnerable?  
How should the system balance a person's safety with their choice?

# VAA Redesign Questions slide 2 of 2

- How should the adult protection system interact with the criminal system?
- How should the regulatory system for licensed services respond when maltreatment is alleged?
- How should people responsible for maltreatment be treated in our system?

# Questions for Discussion – 1

What are the overarching goals of the VAA? What should they be?



# Questions for Discussion – 2

How do we prioritize:

- Between prevention and response?
- Between holding perpetrators accountable and protecting the vulnerable person?

# Questions for Discussion – 3

Do definitions in the VAA accurately capture or describe the nature of maltreatment?

# Questions for Discussion – 4

How should limited resources be directed?

# Questions for Discussion – 5

What do we hope are outcomes for vulnerable adults in Minnesota?

*Thank you!*

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