

Position Statement

For 2022 Session

Support of Vulnerable Adult Act Redesign – Phase 1

Proposal

Issue:

The Minnesota Association for County Social Service Administrator's (MACCSA) has received information related to HF1432 and SF2317 which addresses revisions to the Vulnerable Adult Act. We support the language changes in this legislation and the initial recommendations developed from stakeholder groups working as part of the VA redesign team.

Implementation Strategy:

Some of the key factors in the legislation include:

- Cleans up language for consistency with 2012 legislation for the Minnesota Adult Abuse Reporting Center (MAARC), the state centralized system for reported suspected vulnerable adult maltreatment.
- Aligns information collected by reporters to support lead investigative agencies in making intake and screening decisions and assessing immediate safety concerns for vulnerable adults
- Requires county agencies to make available to the public their specific criteria for prioritizing maltreatment reports that are “screened in”
- Provides authority, consistent with that of child protection, for adult protective services to gather information during intake to make decisions on which reports should be “screened in”
- Prohibits family members or guardians from acting on behalf of the vulnerable adult when requesting an administrative appeal hearing of their own substantiation of maltreatment
- Requires lead investigative agencies to follow consistent investigation protocols regarding interviews
- Protects vulnerable adults by allowing Adult Protective Services to share data to engage informal supports, like family and friends, to help the vulnerable adult and to make culturally responsive referrals
- Expands authority to add organizations with relevant expertise as members of the county multidisciplinary adult protection team
- Establishes one standard for abuse of all vulnerable adults, regardless of diagnosis, or participation in licensed services.
- Modifies the definition of a caregiver to be consistent with state policy to support unpaid caregivers by eliminating presumption of responsibility for neglect of another adult family member based on a family relationship
- Creates separate definitions for caregiver neglect and “self-neglect” for when the vulnerable adult is not meeting their own essential health and safety needs
- Allows for county as the lead investigative agency or the agency responsible for adult protective services to coordinate and share data with tribes and case management agencies when needed to support the VA’s health, safety or comfort to protect them from maltreatment
- Removes the language that financial exploitation would result, or likely result, in detriment to the Vulnerable Adult

- Allows the county as lead agency to determine if a report screened in for assessment and services also includes an investigation of the alleged person responsible
- Updates language to be consistent with the modernization of the guardianship statute and removes “ward or protected person” and replaces it with “person subject to guardianship or conservatorship”

**Systemic Priority Alignment
(highlight all that apply and explain why)**

- **Equity**
- **Integrated Services**
- **Fiscal Framework**

From the GARE Toolkit (See www.racialequityalliance.org): What are the racial equity impacts of this particular decision? Who will benefit from or be burdened by it? Are there strategies to mitigate unintended consequences?

Comments:

**Relevant Committee
(highlight all that apply and explain why)**

- **Adult Services**
- **Behavioral Health**
- **Children’s Services**
- **Equity**
- **Healthcare**
- **Modernization**
- **Policy**
- **Self-Sufficiency**

Why:

Rationale/Background:

We believe these changes will provide more authority and consistent guidance to Adult Protective Services across the State. The recommendations are intended to provide more support for vulnerable adults and transparency in the process. MACSSA would see this as the first step in making needed policy revisions to the Vulnerable Adult Act.



Submitted by: MACSSA Adult Services Committee, Barb Dietz and Jackie Och, Co-chairs

Approved on: