

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes various statutory changes relating to investigations and crimes for maltreatment or financial exploitation of vulnerable adults.

Section

- 1 Access by government.** Authorizes disclosure of financial records to law enforcement, an administrative agency, or prosecuting authority that is investigating a case of financial exploitation of a vulnerable adult.
- 2 Release prohibited.** Adds a cross-reference to a law governing maltreatment of vulnerable adults.
- 3 Statutory violations; financial exploitation.** Provides that a financial institution may notify a government authority of possible financial exploitation of a vulnerable adult.
- 4 Other exceptions to transfer prohibitions.** Directs the local agency to waive the period of ineligibility for long-term care services for uncompensated transfers if the denial of services would create an imminent threat to the individual's health and well-being. Instructs the agency to consider whether the transferee was convicted of a crime as a result of the transfer, or was identified as the perpetrator of a substantiated case of financial exploitation.
- 5 Filing cause of action; limitation.** Updates a cross reference.
- 6 Establishment.** Expands the criminal alert network to include alerts on crimes involving vulnerable adults.
- 7 Authority.** Expands the county attorney's subpoena authority to include production of banking, credit cards, and financial records of a vulnerable adult that are relevant to an ongoing law enforcement investigation. This can include records of accounts held in the name of a third party.

- 8 Financial exploitation of vulnerable adult.** Expands the crime to include: the unlawful use, deprivation, or control of a vulnerable adult’s real or personal property for the benefit of someone other than the vulnerable adult, or the establishment of a fiduciary relationship of a vulnerable adult through harassment, undue influence, or other coercive means. This includes property of the vulnerable adult held in the name of a third party.
- Consent is not a defense to this crime if the actor knew or had reason to know the vulnerable adult lacked capacity to consent.
- A person who violates subdivision 1, clause (1), items (i) – (iii), or clause (2), item (i), may be sentenced as provided in the theft statute. A person who violates subdivision 1, clause (2), items (ii) or (iii) is a guilty of a gross misdemeanor.
- 9 Sentence.** Creates a 20-year felony for conviction of financial exploitation of a vulnerable adult when the amount stolen exceeds \$35,000.
- 10 Speedy trial.** Provides that the state may move the court for a speedy trial in a criminal case if the victim is a vulnerable adult. Currently, the victim has the right to request that the prosecutor make a demand for a speedy trial.
- 11 Reporting.** Authorizes a boarding care home, nursing home, or hospital to submit a report of suspected maltreatment of a vulnerable adult electronically to the common entry point instead of submitting an oral report. The report may be a duplicate of the report submitted to the commissioner of health. Authorizes the commissioner of health to modify its electronic reporting form.
- 12 Immunity; protection for reporters.** Clarifies that the immunity provisions for a person who files a good faith report of suspected maltreatment of a vulnerable adult includes a natural person or any form of a business or legal entity.
- 13 Financial institution cooperation.** Directs a financial institution to cooperate with the government authority in an investigation of maltreatment of a vulnerable adult and to comply with reasonable requests for financial records authorized under section 1. Provides immunity from civil or criminal liability for complying with this requirement.
- 14 Response to reports.** Directs a lead agency, county, adult protective agency, licensed facility, or law enforcement to cooperate in coordinating its maltreatment investigation with other agencies.
- 15 Investigation; guidelines.** Directs each lead agency to develop guidelines for prioritizing reports for maltreatment investigations. Specifies how an investigation must be conducted.
- 16 Cause of action.** Creates a civil cause of action for a vulnerable adult who is a victim of financial exploitation. Authorizes damages equal to three times the amount of compensatory damages or \$10,000, whichever is greater. Authorizes an award of attorneys’ fees and costs for a prevailing vulnerable adult. Provides that an action may be brought regardless of any criminal action taken.
- 17 Vulnerable adult.** Strikes the term “assistance” from the definition of vulnerable adult and replaces it with “care or services.” “Care or services” refers to the health, safety, welfare, or maintenance of an individual.

- 18 **Criminal statute of limitations.** Increases the limitations period from three to five years for the crime of financial exploitation of a vulnerable adult when the amount stolen exceeds \$35,000.
- 19 **Federal grants to establish and maintain a single common entry point for reporting maltreatment of a vulnerable adult.** Requires the commissioner of human services to seek federal funding to design, implement, maintain, and evaluate a common entry point for reports of maltreatment of a vulnerable adult. Sets out the criteria for the common entry point.