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## Overview

This bill, as amended by the H3296DE1 amendment, contains provisions that appear in the Health and Human Services omnibus bill. It addresses issues related to investigating allegations of the maltreatment of vulnerable adults and amends the crime of assaulting a vulnerable adult.

### Section

- 1 **Freedom from maltreatment.** Amends § 144.651, subd. 14. In a subdivision providing that patients and residents shall be free from maltreatment, provides that patients and residents shall receive notification from the lead investigative agency regarding a report of maltreatment, disposition, and appeal rights, as provided in section 626.557, subd. 9c.
- 2 **Referral of complaints.** Amends § 144A.43, subd. 4. The amendment to paragraph (a) requires the Office of Health Facility Complaints to forward complaints to law enforcement if those complaints are in the jurisdiction of law enforcement. The amendment to paragraph (c) requires the Office of Health Facility Complaints to refer suspected criminal activity or action warranting disciplinary action by a client or resident to the appropriate authority or agency.
- 3 **Vulnerable adults.** Amends § 609.2231, subd. 8. Amends the crime of fourth degree assault against a vulnerable adult, to eliminate the requirement that demonstrable bodily harm must have been inflicted on the vulnerable adult. A person who uses restraints on a vulnerable adult does not violate this section if (1) the person complies with state and federal law regarding the use of restraints, and (2) any force applied in imposing restraints is reasonable.

## Section

- 4        **Timing of report.** Amends § 626.557, subd. 3. Modifies the timeframe within which a mandated reporter must report maltreatment of a vulnerable adult to the common entry point, from immediately as in current law, to as soon as possible but in no event longer than 24 hours.
- 5        **Reporting.** Amends § 626.557, subd. 4. In a subdivision establishing requirements for reporting to the common entry point, requires the common entry point to provide a method for a reporter to electronically submit evidence to support the maltreatment report. Also requires all reports to be submitted to the common entry point, including reports from federally licensed facilities, vulnerable adults, and interested persons.
- 6        **Common entry point designation.** Amends § 626.557, subd. 9. The new language in paragraph (b) regarding training of common entry point staff is moved from another paragraph. The new language in paragraphs (f) and (g) require the common entry point to cross-reference multiple complaints to the lead investigative agency concerning the same alleged perpetrator, facility, licensee, vulnerable adult, or incident.
- 7        **Evaluation and referral of reports made to common entry point.** Amends § 626.557, subd. 9a. Requires the common entry point to notify the appropriate law enforcement agency about a report that indicates an immediate need for response by law enforcement, including the urgent need to secure a crime scene, interview witnesses, remove the alleged perpetrator, or safeguard a vulnerable adult's property.
- 8        **Response to reports.** Amends § 626.557, subd. 9b. Requires a law enforcement agency to obtain the results of any investigation conducted by a lead investigative agency, to determine if criminal action is warranted.
- 9        **Lead investigative agency; notifications, dispositions, determinations.** Amends § 626.557, subd. 9c. A new paragraph (b) lists information the lead investigative agency must provide to the vulnerable adult or a guardian or health care agent, within five days after receiving the maltreatment report. A new paragraph (c) permits the lead investigative agency to assign multiple maltreatment reports for the same incident, or multiple reports related to the same vulnerable adult, to the same investigator if appropriate. New language in paragraph (h) requires the lead investigative agency to provide a copy of the public investigative memorandum to law enforcement and the county attorney as appropriate. In paragraph (j), a reference to the hearing process with a human services judge replaces the vulnerable adult maltreatment review panel, which is being repealed.