

# **Vulnerable Adult Maltreatment Reconsideration Review Panel 2010**

## **A Report to the Minnesota Legislature**

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Continuing Care Administration  
Aging and Adult Services Division

January 2011



Minnesota Department of **Human Services**

## **Legislative Report**

Vulnerable Adult Maltreatment  
Reconsideration Review Panel 2010  
  
A Report to the Minnesota Legislature

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January 15, 2011

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Minnesota Statutes, Chapter 3.197 requires that the cost of preparing a report to legislature be reported at its beginning. Approximately \$200 in staff salaries, printing and distribution was spent to prepare this report.

**VULNERABLE ADULT MALTREATMENT  
RECONSIDERATION REVIEW PANEL  
REPORT TO THE LEGISLATURE**

**Introduction**

Minnesota Statute §256.021 requires the Minnesota Department of Human Services (DHS) to establish a panel to review lead agency determinations regarding alleged vulnerable adult maltreatment. The statute also requires that the Panel submit an annual report to the Legislature regarding this activity. This report was prepared by DHS Adult Protection Unit staff, based on the records of Panel meetings in 2010.

**Background**

Minnesota's Vulnerable Adult statutes establish two types of lead investigative agencies: 1) State regulatory agencies, specifically the Minnesota Department of Human Services, Division of Licensing, and the Minnesota Department of Health, Office of Health Facility Complaints; and, 2) all county social service agencies, resulting in a total of 89 vulnerable adult maltreatment investigative agencies.

The *Vulnerable Adult Maltreatment Review Panel* (Panel) [Minnesota Statutes §256.021] was established to give vulnerable adults, or an interested party to the vulnerable adult, an opportunity to have the determination of the investigating agency reviewed. The vulnerable adult or interested party must first request an Administrative Reconsideration from the investigating agency before requesting a Panel review. If the action taken by the investigating agency does not satisfy the vulnerable adult's or interested party's concerns, they may make a written request to the Panel for review.

The authority of the Panel is limited to requesting an investigative agency to re-visit a maltreatment investigation, focusing on specific issues delineated by the Panel. It does not have the authority to order an investigation's determination changed.

There are five (5) members on the Panel:

- |   |                          |
|---|--------------------------|
| 1. The Commissioner of Health                               | Designee - Pam York      |
| 2. The Commissioner of Human Services                       | Designee - Vicki Kunerth |
| 3. Ombudsman for Long-Term Care                             | Designee - Maria Michlin |
| 4. Ombudsman for Mental Health & Developmental Disabilities | Designee - Andrea Ayres  |
| 5. Representative of the Minnesota Board on Aging           | Heidi Michaels           |

The legislation requires quarterly meetings of the Panel. Three meetings were held in calendar year 2010. One quarterly meeting was canceled because no requests for review were received during that period of time. The recommendations are laid out below and include the number of cases reviewed each quarter, the affirmation of the findings in each case, as well as any Panel request to the lead agency to reconsider their findings.

## Findings

During 2010, four (4) requests for review were received:

- Two (2) requests for reconsideration were reviewed from the **Minnesota Department of Health**. The Panel affirmed two (2) of the final resolutions by the investigative agency. The Panel requested reconsideration on zero (0) of the final resolutions by the investigative agency.
- One (1) request for reconsideration was reviewed from the **Minnesota Department of Human Services, Division of Licensing**. The Panel affirmed one (1) of the final resolutions by the one (1) investigative agency.
- One (1) request for reconsideration was reviewed from one (1) **County Social Services Agency**. The Panel affirmed one (1) of the final resolutions by the one (1) investigative agency.

As of December 29, 2010, the Panel requested the three investigative agencies to reconsider zero (0) of the cases reviewed in 2010.

### 2010 Minnesota Vulnerable Adult Maltreatment Reconsideration Panel Meetings

DATE OF MEETING	MN DEPT. OF HEALTH		MN DEPT. OF HUMAN SERVICES		COUNTY	
	Requests	<i>Reconsiderations</i>	Requests	<i>Reconsiderations</i>	Requests	<i>Reconsiderations</i>
January 23, 2010 (cancelled)	0	0	0	0	0	0
April 29, 2010	1	0	0	0	1	0
July 22, 2010	1	0	0	0	0	0
November 04, 2010	0	0	1	0	0	0
<b>TOTALS</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>

## Conclusions and Recommendations

The Panel has no recommendations for improvement to the Review Panel process at this time. Quarterly meetings for 2011 are scheduled for the third week in January, April, July, and October.

