

Vulnerable Adults Act Summary

Minnesota Statutes, Section 245A.65 and Section 626.557

The following is a summary of the Vulnerable Adult Protection Act. Minnesota Statutes, Section 245A.11 subd. 10 (a) 2. Which requires that a person receiving services in a licensed program and their legal representative are provided a copy of this summary upon admission.

Who is a vulnerable adult?

- A vulnerable adult is anyone over age 18 who:
 - Has a physical, mental or emotional disorder that makes it difficult for the person to care for themselves without help and to protect themselves from maltreatment
 - Is in a hospital, nursing home, transitional care unit, assisted living, housing with services, board and care, foster care or other licensed care facility
 - Receives services such as home care, day services, personal care assistance or other licensed services.
 - Regardless of where they live or what type of services they receive, are unable or unlikely to report abuse or neglect themselves because of limitations which are caused by mental, physical, or emotional impairment.
 - Includes people who, regardless of where they live or what type of services they receive, are unable or unlikely to report abuse or neglect themselves because of limitations which are caused by mental, physical, or emotional impairment.

Types of maltreatment:

- Neglect:
 - The absence of necessary food, clothing, shelter, health care, or supervision.
 - Unintentional failure to fulfill a caregiving/caretaking responsibility; causing distress without conscious or willful intent, etc.
 - Intentional failure to fulfill caregiving/caretaking obligations; abandonment; denial of food, medications, personal hygiene, etc.
 - Absence of necessary financial management that might lead to exploitation; if you are legally responsible for fiscal material management.
- Abuse
 - Causing mental distress by belittling, name calling, insulting, ignoring, humiliating, frightening, threatening, isolating, etc.
 - Illegally or unethically misusing of funds, property, or other assets of a vulnerable adult for personal gain, etc.
 - Causing physical pain or injury; physical intimidation; confinement; slapping; bruising; cutting; burning; restraining; pushing; shoving; etc.
 - Any sexual contact between a caregiver/caretaker and a vulnerable adult (rape, inappropriate sexual touching, etc.)

Who is required to report possible maltreatment?

- Any person concerned about the well-being of a vulnerable may report known or suspected abuse or neglect
- Any employee or volunteer of a public or private agency that cares for vulnerable adults; including those who do not provide direct care
- Anyone providing care for a vulnerable adult

When and how should a report be made?

- A mandated reporter that has reason to believe that a vulnerable adult is being or has been maltreated or has an unexplained injury will need to immediately report the incident.
- If a facility has an internal reporting procedure, a mandated reporter may meet the reporting requirement by reporting internally. The facility remains responsible for complying with the immediate reporting requirements.
- Report suspected maltreatment of a vulnerable adult to the **Minnesota Adult Abuse Reporting Center (MAARC) at 1-844-880-1574** which is open 24 hours a day, seven days a week or online by going to <http://edocs.dhs.state.mn.us/lfserver/Public/DHS-6303-ENG>

What happens once the report is made to the Minnesota Adult Abuse Reporting Center (MAARC)?

- The Minnesota Adult Abuse Reporting Center will immediately report to law enforcement agency any incident in which there is reason to believe a crime has been committed.
- The Minnesota Adult Abuse Reporting Center will determine the need for emergency adult protective services and notify the appropriate county agency.
- The Minnesota Adult Abuse Reporting Center will refer reports to the appropriate lead agency within two days.
- If the lead agency determines an investigation will need to occur, the lead agency has 60 calendar days to reach their final disposition.

Can I get in trouble for making a report?

- The Vulnerable Adult Act provides protection for employees who report abuse or neglect, including protection against any retaliation by the employer.
- The Vulnerable Adult Act also states that a person making a report in good faith is immune from civil and criminal liability.
- It is a gross misdemeanor for a mandated reporter to deliberately fail or refuse to make a report. Additionally, you could be held liable for any damages or harm caused by failure or refusal to report the abuse or neglect.

If the lead agency makes a determination of maltreatment of a vulnerable adult, can the person and/or facility ask for reconsideration?

- The request for reconsideration of the determination of maltreatment must be submitted in writing to the lead investigative agency within 15 calendar days.
- An individual who was determined to have maltreated a vulnerable adult and who was disqualified on the basis of serious or recurring maltreatment, may request reconsideration of the maltreatment and determination. The request must be made in writing within 30 days.