



Vulnerable Adult & Child Mandated Reporter Training

Course Objectives



- ❖ Understand and define who a vulnerable person and mandated reporter are.
- ❖ Understand the different types of maltreatment and abuse.
- ❖ Understand the responsibility associated with reporting any and all information you know regarding an incident of known or suspected maltreatment.
- ❖ Understand the procedures that constitute external and internal reports of suspected or alleged maltreatment
- ❖ Be aware of the Common Entry Points where information on abuse and neglect can be reported

WHO is a: VULNERABLE PERSON



- ❖ Any person, regardless of age or where they are living, who has impairment of mental function, physical function, or emotional status and is unable to, or is unlikely to report abuse or neglect without assistance.

❖ TWO TYPES:

- ❖ A Vulnerable Adult an individual who is of 18 years of age or older.
- ❖ A Vulnerable Child is an individual under 18 years of age or individuals who is under age 21 who are in foster care.

WHO is a: MANDATED REPORTER



All caregivers who:

- ❖ Have knowledge of abuse or neglect of a vulnerable adult.
- ❖ Have reasonable cause to believe that a vulnerable adult is being or has been abused or neglected.
- ❖ Has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by a history of injuries provided by the caregiver(s) of the vulnerable adult.



This means that **YOU** are a
mandated reporter!

What is Abuse?

MINNESOTA STATUTES, SECTION 626.5572 Definitions

- ❖ Abuse is the intentional and non-therapeutic infliction of pain or injury or any persistent course of conduct intended to produce mental or emotional distress. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:
 - Assault in the first through fifth degrees
 - The use of drugs to injure or facilitate crime
 - The solicitation, inducement, and promotion of prostitution
 - Criminal sexual conduct in the first through fifth degrees
- ❖ A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

Types of Abuse



- ❖ Physical
- ❖ Verbal (emotional/psychological)
- ❖ Sexual
- ❖ Financial exploitation
- ❖ Various other forms of abuse

Physical/Verbal Abuse



Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following:

- hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult
- use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening;
- use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult
- cyber bullying and prolonged isolation
- an unjustified and irrational withdrawal of services or support networks.
- The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Sexual Abuse



Sexual Abuse constitutes:

- ❖ Any sexual contact or penetration between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
- ❖ Forceful subjection to indecent exposure, sexual harassment, rape, pornography, inappropriate touching, and sexual acts
- ❖ Any sort of nonconsensual sexual contact
- ❖ Unwanted sexual activity

Financial Exploitation



Financial exploitation constitutes:

- ❖ Spending the vulnerable adult's money inappropriately
- ❖ Coercing the vulnerable adult into spending their money in a way that in no way, shape, or form, benefits them
- ❖ Theft of a vulnerable adult's valuables, belongings, or money
- ❖ Forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another
- ❖ Willfully uses, withholds, or disposes funds or property of a vulnerable adult
- ❖ Fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.

Others Various Forms of Abuse



Domestic Abuse

- ❖ A pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. This violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.

Discriminatory Abuse

- ❖ Forms harassment, slurs or similar unfair treatment relating to race, gender and gender identity, age, disability, sexual orientation, or religion.

Self Abuse

- ❖ Behavior that causes damage or harm to oneself.

Neglect



"Neglect" means:

The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

- (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and
- (2) which is not the result of an accident or therapeutic conduct.

Neglect may also include:

- ❖ Being improperly taken care of
- ❖ Inadequate access to a medical professional when needed
- ❖ Improper use of medication
- ❖ Failing to change, bathe, or provide proper care of
- ❖ Not being provided with adequate food and water

Purpose and Policy

The purpose of this policy is to establish guidelines for the external and internal reporting and the internal review of maltreatment of vulnerable adults.

Staff who are mandated reporters must report all of the information they know regarding an incident of known or suspected maltreatment, either externally or internally, in order to meet their reporting requirements under law. All staff of the company who encounter maltreatment of a vulnerable adult will take immediate action to ensure the safety of the person(s) served. Staff will define maltreatment of vulnerable adults as abuse, neglect, or financial exploitation and will refer to the definitions from Minnesota Statutes, section 626.5572 at the end of this policy.

Employees will refer to the *Policy and Procedure on Reporting and Review of Maltreatment of Minors* regarding suspected or alleged maltreatment of persons 17 years of age or younger.

Procedure



- A. Staff of the company who encounter maltreatment of a vulnerable adult, age 18 or older, will take immediate action to ensure the safety of the person or persons. If a staff knows or suspects that a vulnerable adult is in immediate danger, they will call “911.”
- B. If a staff knows or suspects that maltreatment of a vulnerable adult has occurred, they must make a verbal report immediately (within 24 hours) either to the Common Entry Point (CEP) or internally to their company. Should the staff choose to make a report directly to an external agency, they must make the verbal report by calling the Common Entry Point.
- C. The Designate Manager is the primary individual responsible for receiving internal reports of maltreatment and for forwarding internal reports to the Common Entry Point. If there are reasons to believe that the Designated Manager is involved in the alleged or suspected maltreatment, the Designated Coordinator is the secondary individual responsible for receiving internal reports of maltreatment and for forwarding internal reports to the Common Entry Point.
- D. When verbally reporting the alleged or suspected maltreatment, either externally or internally, staff will include as much information as known and will cooperate with any subsequent investigation.

Procedure cont.



- E. For internal reports of suspected or alleged maltreatment, the person who received the report will:
 - 1. Contact the Common Entry Point if the report is determined to be suspected or alleged maltreatment.
 - 2. Inform the case manager within 24 hours of reporting maltreatment, unless there is reason to believe that the case manager is involved in the suspected maltreatment. The person who received the report will disclose to the case manager the:
 - A. Nature of the activity or occurrence reported
 - B. The agency that received the report
 - 3. Complete and mail the *Notification to an Internal Reporter* to the home address of the staff who reported the maltreatment within two working days in a manner that protects the reporter's confidentiality. The notification must indicate whether or not the company reported externally to the Common Entry Point. The notice must also inform the staff that if the company did not report externally and they are not satisfied with that determination, they may still make the external report to the Common Entry Point themselves. It will also inform the staff that they are protected against any retaliation if they decide to make a good faith report to the Common Entry Point on their own.
- F. When the company has knowledge that an external or internal report of alleged or suspected maltreatment has been made, an internal review will be completed. The Designated Manager is the primary individual responsible for ensuring that internal reviews are completed for reports of maltreatment. If there are reasons to believe that the Designated Manager is involved in the alleged or suspected maltreatment, the Designated Coordinator is the secondary individual responsible for ensuring that internal reviews are completed.

Procedure cont.



- G. The *Internal Review* will be completed within 30 calendar days. The person completing it will:
1. Ensure an *Incident and Emergency Report* has been completed.
 2. Contact the lead investigative agency if additional information has been gathered.
 3. Coordinate any investigative efforts with the lead investigative agency by serving as the company contact, ensuring that staff cooperate, and that all records are available.
 4. Complete an *Internal Review* which will include the following evaluations of whether:
 - A. Related policies and procedures were followed
 - B. The policies and procedures were adequate
 - C. There is a need for additional staff training
 - D. The reported event is similar to past events with the vulnerable adults or the services involved
 - E. There is a need for corrective action by the license holder to protect the health and safety of the vulnerable adult(s)
 5. Complete the *Alleged Maltreatment Review Checklist* and compile together all documents regarding the report of maltreatment.

Procedure cont.



- H. Based upon the results of the internal review, the company will develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the company, if any.
- I. Internal reviews must be made accessible to the commissioner immediately upon the commissioner's request for internal reviews regarding maltreatment.
- J. The company will provide an orientation to the internal and external reporting procedures to all persons served and/or legal representatives. This orientation will include the telephone number for the Common Entry Point. This orientation for each new person to be served will occur within 24 hours of admission, or for persons who would benefit more from a later orientation, the orientation may take place within 72 hours.
- K. Staff will receive training on this policy, MN Statutes, section 245A.65 and sections 626.557 and 626.5572 and their responsibilities related to protecting persons served from maltreatment and reporting maltreatment. This training must be provided within 72 hours of first providing direct contact services and annually thereafter.

MN Adult Abuse Reporting Center and the Common Entry Point (Department of Human Services)



MN Adult Abuse Reporting Center (MAARC) and the Common Entry Point (CEP)

Effective July 1, 2015, the Common Entry Point (CEP), the unit designated under Minnesota laws by the commissioner of human services for receiving reports of suspected maltreatment, will operate as the MN Adult Abuse Reporting Center (MAARC).

- ❖ Is available 24 hours per day to take calls from mandated and voluntary reporters of suspected maltreatment of vulnerable adults.
- ❖ Immediately notifies the county agency responsible when the vulnerable adult needs immediate adult protective services.
- ❖ Immediately notifies a law enforcement agency for any report of suspected maltreatment in which there is reason to believe a crime has been committed.
- ❖ Immediately notifies the medical examiner and the Ombudsman for Mental Health and Development Disabilities for any report of suspected maltreatment which involves a suspicious death.
- ❖ Refers reports of suspected maltreatment to the lead investigative agency (LIA), responsible for the report.

Reports of suspected maltreatment of a vulnerable adult are made 24/7/365 to MAARC at

844-880-1574

http://registrations.dhs.state.mn.us/WebManRpt/Who_CEP4.html

Failure to Report & False Reporting



- Employees who intentionally make false reports are guilty of a misdemeanor and will be liable for any civil damages by the person or persons who reported.
- Individuals should use reasonable judgement and reporting, so that the abuse or neglect is based on factual evidence.
- Only report abuse if you know it is, has, or will occur.