

Minnesota's public policy is to protect vulnerable adults whose health or welfare may be jeopardized by maltreatment. These laws are designed to protect vulnerable adults who are maltreated or whose health or welfare is intentionally endangered. The laws include financial exploitation.

The laws specifically protect adults who are involuntarily directed to any type of residential facility via court order (i.e., civilly committed or any other duly constituted authority) and to any adult who is staying in a facility as a resident. These people enjoy special legal protection— especially from any person employed in any institution, whether public or private, that provides treatment to people in a residential setting who have been adjudicated to be physically or mentally disabled. In addition, other adults in other circumstances may give permission for a mandated reporter to report their maltreatment.

Who is Mandated to Report

Any person may voluntarily report adult maltreatment.

Certain people are defined by law as mandated reporters. As defined in MN law, at Ark Counseling, all employees, agents, representatives, and graduate interns are mandated reporters. Specifically, the employment position description title and names of the following people are mandated reporters:

| <u>Position Title</u> | <u>Name</u> |
|-------------------------------------|--|
| Program Director | Jerry Lee Holt |
| Clinical Assessors | Jerry Lee Holt and all other chemical or mental health assessors |
| Intake and Records Staff | Linda Hunt Connie Winters and all other staff involved in intake and records |
| Licensed Alcohol and Drug Counselor | Jerry Lee Holt Maud Greenhoe Katie Hyduke Michelle Markow Sada Puckett Steven Stadler and all other licensed alcohol and drug counselors |
| Licensed Mental Health Practitioner | Jerry Lee Holt and all other licensed mental health practitioners |
| Interns | <u>all</u> interns |

All staff at Ark Counseling who are mandated reporters are oriented to the Policies and Procedures governing maltreatment and mandated reporting within 72 clock hours of his or her hire date or start of internship. If an employee, this orientation is documented in their permanent employment file. Thereafter, each year each mandated reporter is required to review relevant policies and procedures, to complete state-mandated training, and to successfully pass a written test over the relevant laws and policies and procedures.

During intake, all clients are orally instructed about the concept, policies and procedures, and laws related to mandated reporting.

Vulnerable Adult Determination and Authorization to Report Maltreatment

The MN DHS has produced a questionnaire that the team member who is doing the intake ***must*** complete that determines whether a client is a vulnerable adult. The form is titled: *Vulnerable Adult Determination*. The answers to the questions determine whether a client is a vulnerable adult— even if the adult is not in a residential setting. By MN law, the completed form must be placed in the client's permanent health record.

In addition, by MN law, all clients must be asked for their written permission to permit staff at Ark Counseling to release information to the MN Adult Abuse Reporting Center (844.880.1574) or to law enforcement, in the event a staff member suspects the client is being maltreated. By MN law, this completed release must be placed in the client's permanent health record.

NOTE: It is against the law for a mandated reporter, in an alcohol and Drug Treatment Facility, to make an external report that a client (who is not deemed vulnerable) is being maltreated without the express written consent of the adult client.

If the adult has been maltreated within the licensed facility or by a team member of the facility, a report of the event may be shared with the MN DHS Licensing Division providing the name of the victim is not disclosed.

Where to Report

If the client is determined to be a vulnerable adult an immediate report (within 24 hours) must be made to the MN Adult Abuse Reporting Center (844.880.1574) or law enforcement.

1. If you know or suspect that a vulnerable adult is in immediate danger, call 911.
2. If your report does not involve possible maltreatment, but does involve possible violations of Minnesota Statutes or Rules that govern the facility, you should call the Department of Human Services, Licensing Division at (651) 431-6500.

If the adult is not a vulnerable adult, first ask for their written permission to make an external report.

How and Where to Report

Definitions of maltreatment are contained in Minnesota Statutes 626.556; 626.557; 626.5572.

A mandated reporter shall always make an immediate effort to obtain written permission to disclose any information regarding the adult maltreatment—whether the client is deemed to be a vulnerable adult or not. Remember, HIPAA and 42 CFR 2 prohibits or limits disclosure of certain information.

A report to any entity should contain enough information to identify the adult involved, any persons responsible for the maltreatment (if known), and the nature and extent of the maltreatment and/or possible licensing violations. For reports concerning suspected maltreatment occurring within a licensed facility, the report should include any actions taken by the facility in response to the incident.

The mandated reporter may elect to by-pass an internal report and report the maltreatment directly to the MN Adult Abuse Reporting Center and/or MN DHS Licensing Division.

- Internal Contact— Primary: Clinical Director (Jerry Holt).
Secondary: Maud Greenhoe
- External Contact
MN Adult Abuse Reporting Center (844.880.1574)
MN DHS Licensing Division: 651.431.6500

Failure to Report

A mandated reporter who knows or suspects maltreatment and fails to report it to relevant authorities is guilty of a misdemeanor. In addition, a mandated reporter who fails to report maltreatment that is found to be serious or recurring may be disqualified from employment in positions that allow direct contact with people who receive services from programs licensed by the MN Department of Human Services (MN DHS) and by the Minnesota Department of Health, and unlicensed Personal Care Provider Organizations. Ark Counseling is licensed by the MN DHS.

Internal Contacts (primary and secondary), Processes and Review for Cases of Adult Maltreatment

If maltreatment occurs within Ark Counseling, before making an external report of adult maltreatment, a mandated reporter may first consult with the Clinical Director (Jerry Holt) who is primary internal resource. However, in the event the primary person has perpetrated or is suspected of perpetrating maltreatment, the mandated reporter may immediately and directly contact the secondary person (Maud Greenhoe) and she is responsible for forwarding a report to the external contact(s) (Note: issues related to written releases). Otherwise, the primary contact is responsible for making notifications.

If either of the two internal contacts receives a report of suspected maltreatment and determines Ark must report the situation, it must be reported to the relevant entity(s). The external report must be made within 24 hours (of becoming aware). Thereafter, in a manner that protects the confidentiality of the reporter, the relevant primary or secondary contact must, within two working days, notify the reporter in writing whether the incident was reported.

In the written communication, the primary or secondary contact must include, in explicit language, that the reporter has an unfettered right to report the situation directly to the MN Adult Abuse Reporting Center and/or the MN DHS Licensing Division. In addition, the communication must inform the reporter that his/her decision to communicate directly and in good faith with MN Adult Abuse Reporting Center and/or the MN DHS Licensing Division is legally protected and the licensed facility is prohibited from retaliating against the reporter.

The internal review will be completed by Jerry Holt (Clinical Director). If this individual is involved in the alleged or suspected maltreatment, Maud Greenhoe will be responsible for completing the internal review. When adult maltreatment has occurred or is suspected to have occurred within the facility, or is allegedly perpetrated by a staff member of the facility, the primary or (in his place) the secondary internal contact must complete an internal review within 30 calendar days and take any required corrective action to protect the health and safety of vulnerable adults whenever the facility has reason to know that an internal or external report of alleged or suspected maltreatment has occurred.

The internal review must include an evaluation of whether:

1. relevant Policies and Procedures were followed,
2. relevant Policies and Procedures were adequate,
3. there is need for additional staff training,
4. there have been similar past events with clients and/or services,
5. there is any need for corrective action to be taken by the facility license holder to protect the health and safety of vulnerable adults.

Based upon the internal review, the license holder must develop, document, and implement a corrective action plan that is designed to correct any lapse and to prevent a future lapse in performance by individuals or the license holder, if any.

The license holder must document and make internal reviews accessible to the Commissioner of the MN DHS upon the Commissioner's request. The documentation provided to the Commissioner, by the license holder, may consist of a completed checklist that verifies that each of the requirements noted above has been completed.

Documentation of the Internal Review

The facility must document the completion of the internal review and provide documentation of the review to the Commissioner upon the Commissioner's request.

Corrective Action Plan

Based on the results of the internal review, the license holder must develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by

individuals or the license holder, if any.

Staff Training

The license holder shall ensure that each new mandated reporter receives an orientation within 72 hours of first providing direct contact services to a vulnerable adult and annually thereafter. The orientation and annual review shall inform each mandated reporter of the reporting requirements and definitions specified under Minnesota Statutes, the license holder's program abuse prevention plan, and all internal policies and procedures related to the prevention and reporting of maltreatment of individuals receiving services.

The license holder must document the provision of this training, monitor implementation by staff, and ensure that the policy is readily accessible to staff.

As required by MN Law, all mandated reporters are required to complete annual training in mandated reporting. This web-based training is available at <http://registrations.dhs.state.mn.us/WebManRpt> through the MN Department of Human Services. Access the link and click on "Continue". Upon the satisfactory completion of the training, the Department of Human Services issues a certificate of completion and this certificate must be placed in the mandated reporter's employment record.