Elder Abuse Prevention and Vulnerable Adult Protection in Minnesota - Legislative Updates & Next Steps

Marie Dotseth, Assistant Commissioner

June 17, 2019

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Overview

- Leading up to the 2019 Session – Where We've Been
  - MDH improvements to date – Where we are
- Protecting Vulnerable Adults: Regulatory Reforms & MDH Operational Improvements
- Timeline and Next Steps

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Where we've been

- **2017**
  - Increasing number of reports, backlogs, media attention, Commissioner resignation
  - Governor Dayton Consumer Coalition Report
- **2018**
  - Legislative Session: High level legislation without significant detail, little agreement, disappointment
  - OLA Audit Report
  - Fall, Commissioner convenes informal working groups
    - Licensure Approaches for Assisted Living Facilities
    - Assisted Living Report Card
    - Certification of Dementia Care Units
    - Consumer Rights
    - Electronic Monitoring in Care Facilities
    - Prevention Strategies to Improve Quality and Safety

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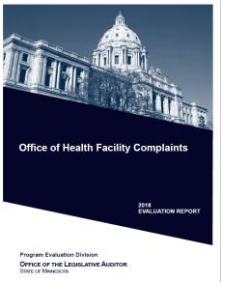
Where We've Been

<u>OLA Report detailed failures in OHFC complaint process and diagnosed causes</u>

- Delays in investigations and missed statutory timelines
- Lack of communication to families and providers
- Paper based system
- Staffing, management and morale concerns
- In all, 23 recommendations for OHFC



<u>2017 Backlog</u>

- Triage Backlog of 2300 cases – **CLEARED** on February 28, 2018
- Investigation Backlog of 1800 cases – **CLEARED** on August 8, 2018

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Key Areas of Improvement at MDH

- **Improved workflows and management**
  - Standard Investigator Protocol
  - Updating and upgrading training for all staff
  - Improved ability to determine jurisdiction (MDH, DHS, or County) on the initial screening
  - Paperless document management system
  - Internal audits and checks
- **Improved communication with complainants and family**
  - Timely and empathetic response to frustrated callers.
  - Letters from OHFC were updated to be in plain language
  - Include direct contact information for OHFC staff

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Key Areas of Improvement at MDH

- **Updated and improved**
  - Public Report
  - Dashboard


DEPARTMENT OF HEALTH

Office of Health Facility Complaints
Investigative Public Report

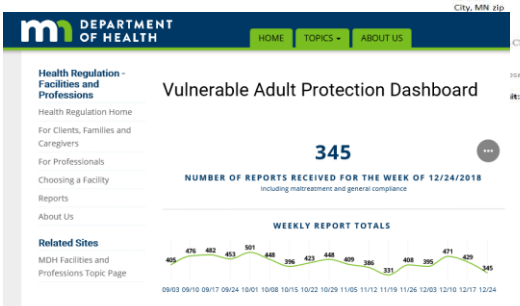
Report #: HL

Name, Address, and County of Facility Investigated:
Name
Address
City, MN zip

Date Concluded:
Date of Visit:

Name, Address, and County of Housing with Services Registration:
Name
Address
City, MN zip
County

Investigator's Name:
Special Investigator



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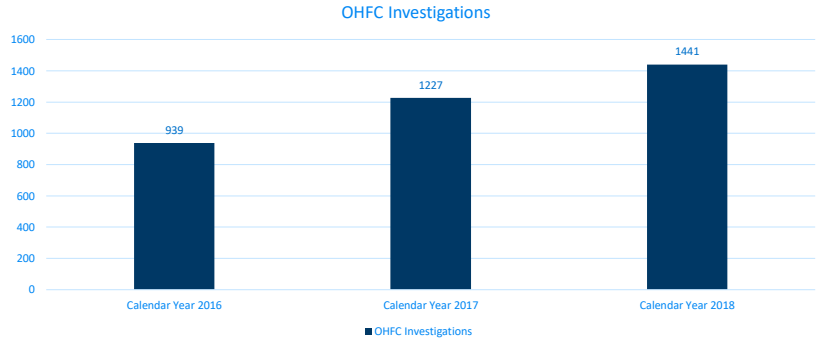
More completed OHFC Investigations



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Where We've Been

Fall 2018 Informal Working Groups – Built understanding and trust

Sample conclusions from the working groups:

- Assisted living service and housing regulation should be combined into one license
- Consumers should retain the ability to grow and age in place where possible, which includes the ability to bring in added services to their place of residence
- People living with dementia should not be required to live in dementia care settings, however additional certification or licensure for specialized dementia care settings
- Electronic monitoring devices should be permitted, resident rights protected and the process for placing devices should be clarified
- We should better educate consumers about their rights, better enforce those rights, and strengthen rights in key areas
- A report card is needed and should be pursued as part of a multi-pronged effort to encourage and reward quality
- Quality and patient safety information is transparent and easy to understand for residents, families, and providers and is fair/just and promotes accountability across all settings

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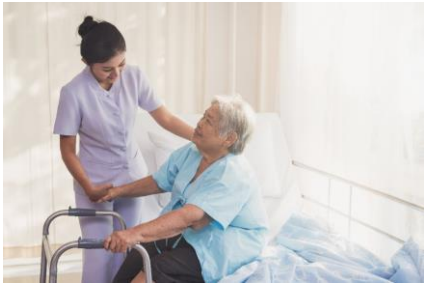
Protect Vulnerable Adults—MDH Operational Improvements in 2019 Legislation

- Increase regulatory capacity by fully funding the state match requirement
- Increase capacity for Home Care surveys
- Create a modern, centralized framework for case management
- Improved data analysis, reporting and community engagement



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Protect Vulnerable Adults— Regulatory Reform, Licensure and Other Consumer Protections

- **Licensing Framework:**
  - Assisted Living Facility: A facility providing sleeping accommodations and assisted living services to one or more adults must apply for an assisted living license.
  - Assisted Living Services: consist of basic and comprehensive services from Chapter 144A as well as supportive services.
  - Two Categories of Licensure: The assisted living license is a single, integrated license incorporating both housing and assisted living services.
- **Assisted Living Facility Service Requirements**
  - Additional Requirements for Assisted Living Facilities with Dementia Care License
- **Physical Plant and Life Safety Code Requirements**
- **Resident Rights and Facility Responsibilities**
- **Surveys, Investigations, and Enforcement**

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Additional Consumer Protections

- Retaliation Prohibited
  - Effective August 1, 2019 for HWS and Nursing Homes. August 1, 2021 for new Assisted Living License
- Termination Protections and Appeal Rights, Effective August 1, 2021
- Electronic Monitoring Effective January 1, 2020
- "I'm Okay" Check Services, Effective August 1, 2021

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Timeline & Next Steps

Next for MDH:

- Begin Rules
- Implement Operational Improvements- Case management, increased survey capacity, data analytics, website
- Work with Ombudsman & Stakeholders on Electronic Monitoring form
- Continue Stakeholder Engagement – informal and formal rules process

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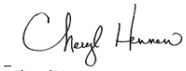
Signed,



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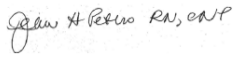

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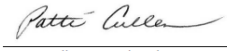

Patti Cullen, President/CEO
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Thank you

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