

Program Name: True Friends

MALTREATMENT OF VULNERABLE ADULTS REPORTING AND INTERNAL REVIEW POLICY

I. Policy

It is the policy of True Friends to protect the adults served by this program who are vulnerable to maltreatment and to require the reporting of suspected maltreatment of vulnerable adults, as defined in the Minnesota Vulnerable Adults Protection Act (Minnesota Statutes, section 626.5572).

II. Procedures

A. Who should report suspected maltreatment of a vulnerable adult

As a mandated reporter, if you know or suspect that a vulnerable adult has been maltreated, you must report it immediately. Immediately means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

B. Where to report – you can make an external or internal report.

1. You may make an external report to the Common Entry Point at
 - Aitkin County 218-927-7200 (Evenings and weekends 218-927-7400)
 - Hennepin County 612-348-8526
 - Hubbard County 218-732-1451 (Evenings and weekends 218-732-3331)
 - Wright County 763-682-7400 (Evenings and weekends 612-490-8569)
 - or local law enforcement, non-emergency number at:
 - Camp Courage in Maple Lake is 763-682-1162
 - Camp Courage North in Lake George is 218-732-3331
 - Camp Eden Wood in Eden Prairie is 952-949-6200
 - Camp Friendship in Annandale is 763-682-1162
 - Camp New Hope in McGregor is 218-927-7435
2. You may make an internal report to the Director of Respite Services and/or the Director of Camping and Volunteer Services.
If these people are involved in the alleged or suspected maltreatment, you must report to the Chief Operating Officer.

C. Internal report

1. When an internal report is received, the Director of Respite Services and/or the Director of Camping and Volunteer Services is responsible for deciding if a report to the Common Entry Point is required. If these people are involved in the suspected maltreatment, the Chief Operating Officer will assume responsibility for deciding if the report must be forwarded to the Common Entry Point.
2. The report to the Common Entry Point must be as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
3. If you have reported internally, you must receive, within two working days, a written notice that tells you whether or not your report has been forwarded to the Common Entry Point. The written notice must be given to you in a manner that protects your confidentiality as a reporter. It shall inform you that if you are not satisfied with the action taken by the facility on whether to report the incident to common entry point, you may still make an external report to Common Entry Point. It must also inform you that you are protected against retaliation by the program if you make a good faith report to the Common Entry Point.

D. What to report

1. Definitions of maltreatment on vulnerable adults are contained in Minnesota Statutes, section 626.5572. Current definitions are attached to this policy.

Abuse for a vulnerable adult is defined as

- A. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of:
 1. assault in the first through fifth degrees, as defined in sections 690.221 to 609.224;
 2. the use of drugs to injure or facilitate crime, as defined in section 609.235;
 3. the solicitation, inducement, or promotion of prostitution, as defined in section 609.332;
 4. criminal sexual content in the first through fifth degrees, as defined in sections 609.342 to 609.3451;
 5. forcing, compelling, coercing, or enticing a vulnerable adult, against the vulnerable adults' will, to perform services for the profit or advantage of another; and

6. a violation includes any action that meets the elements of crime, regardless of whether there is a criminal proceeding or conviction.
- B. Conduct which is not accidental or non-therapeutic conduct, as defined in this section, which produces or could reasonably be expected to produce physical pain, injury, or emotional distress including, but not limited to the following:
 1. hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult;
 2. 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 degrading, or the use of repeated or malicious oral, written, or derogatory, humiliating, harassing, or threatening language;
 3. use of any aversive or derivational procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against their will or the will of their legal representative;
 4. use of any aversive or derivational procedures for persons with developmental disabilities or related conditions not authorized under section 245.825;
 5. any sexual conduct or penetration, as defined in section 609.342, between a facility person (or any person) and a user;
 6. forcing, compelling, coercing, or enticing a vulnerable adult, against the vulnerable adult's will, to perform services for the profit or advantage of another.

Neglect for vulnerable adults means:

- A. the failure or omission by a caretaker to supply the vulnerable adult with care and services including:
 1. food;
 2. clothing;
 3. shelter;
 4. health care; and
 5. supervision.
- B. failure to provide for necessary supervision of a vulnerable adult considering factors as the individual's age, mental ability, physical condition, length of absence, or environment, when the individual is unable to care for their own basic needs, and which a reasonable

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person would deem essential to obtain or maintain the vulnerable adult's safety and care.

Financial exploitation means a breach of fiduciary obligation, including:

- A. engaging in unauthorized expenditures of funds entrusted to the actor by the vulnerable adult, their legal representative, or authorized caregiver which results or is likely to result in detriment to the individual;
- B. failure to use the financial resources of the vulnerable adult to provide food, clothing, shelter, health care, therapeutic conduct or supervision to the individual;
- C. willfully uses, withholds, or disposes of funds or property of a vulnerable adult without express permission of the individual's legal representative;
- D. acquires possession or control of, or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; and
- E. forcing, compelling, coercing, or enticing a vulnerable adult, against the vulnerable adult's will, to perform services for the profit or advantage of another.

2. An external or internal report should contain enough information to identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected maltreatment.

E. Failure to report

A mandated reporter who negligently or intentionally fails to report suspected maltreatment of a vulnerable adult is liable for damages caused by the failure to report.

F. Internal review

1. When True Friends has reason to know that an internal or external report of alleged or suspected maltreatment has been made, the program must complete an internal review and take corrective action, if necessary, to protect the health and safety of vulnerable adults.
2. The internal review must include an evaluation of whether:
 - a) related policies and procedures were followed;
 - b) the policies and procedures were adequate;

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- 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; and
 - e) there is a need for corrective action by the program to protect the health and safety of vulnerable adults.
- G. The internal review will be completed by the Director of Respite Services and/or the Director of Camping and Volunteer Services and designated program leadership.
If these individuals are involved in the alleged or suspected maltreatment, the internal review will be completed by the Chief Operating Officer and designated program leadership.
- H. Documentation of the internal review
True Friends must document completion of the internal review and provide documentation of the review to the DHS upon the commissioner's request.
- I. Corrective action plan
Based on the results of the internal review, True Friends must develop, document, and implement a corrective action plan designed to correct lapses and prevent future lapses in performance by individuals or the license holder, if any.
- J. Orientation for persons receiving the services
1. True Friends will provide an orientation to the internal and external reporting procedures to all persons receiving services. The orientation will include the telephone number for the Common Entry Address. The person's legal representative must be notified of the orientation.
 2. True Friends will provide this orientation for each new person within 24 hours of admission, or for persons who would benefit from a later orientation, it may take place within 72 hours.
- K. Staff training
True Friends shall ensure that each new mandated report 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 the mandated reporter of the reporting requirements and definitions under Minnesota Statutes, sections 626.557 and 626.5572, the requirements of Minnesota Statutes, section 245A.65, the program's program abuse prevention plan, and all internal policies and procedures related to the prevention and reporting of maltreatment of individuals receiving services. True Friends must document the provision of this training, monitor implementation by staff, and ensure that the policy is readily accessible to staff, as specified under Minnesota Statutes, section 245A.04, subdivision 14.