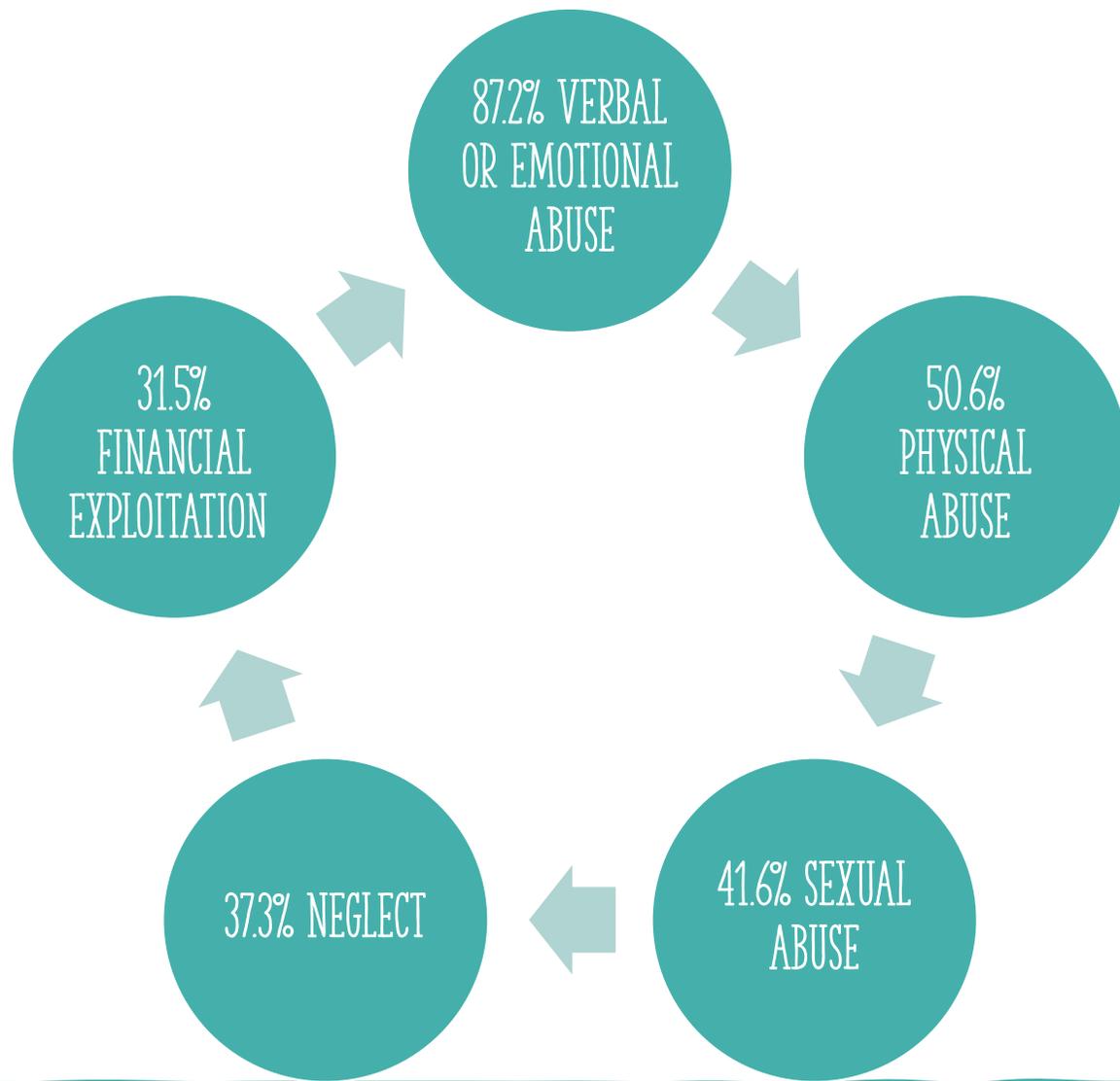


MALTREATMENT OF VULNERABLE ADULTS





According to the Disability and Abuse Project: Over 70% of people with disabilities have reported being victims of abuse.

THE MALTREATMENT OF VULNERABLE ADULTS IS MORE COMMON THAN YOU MIGHT THINK, AND IT IS IMPORTANT TO BE AWARE OF THE STATISTICS.

VULNERABLE ADULT INTRODUCTION:

Who would you consider a vulnerable adult?



A Vulnerable Adult is defined as:

(MN Specific Definition)

- ☐ Anyone over the age of 18 who:
 - Is a resident or inpatient of a facility or who receives licensed services
 - Possess a physical or mental infirmity or other physical, mental, or emotional dysfunction (regardless of residence type or services received) that—
 - Impairs that individual's inability to provide adequately for their own care (food, shelter, clothing, healthcare, supervision)

Are the following individuals considered vulnerable adults?

1

Bob was in a car accident at 17 and suffered a traumatic brain injury. Bob has come a long way in the last 5 years– relearning how to walk and moving into his own apartment, but cognitively is still impacted from the injury. Bob has a support staff every evening come to his apartment to help him with cleaning, financial management, and grocery shopping.

Yes or No

2

Megan was injured in a hiking accident 10 years ago and had her left leg amputated. Megan has adapted to her new normal– she wears a prosthetic leg, lives on her own, and does not receive any formal services or support.

Yes or No

3

Roger has cerebral palsy and uses a wheelchair for mobility. Roger is also diagnosed with an intellectual disability and lives in a group home with 3 other housemates.

Yes or No

MN VULNERABLE ADULT ACT: MN STATUTE SECTION 626.557

626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.

§ Subdivision 1. **Public policy.** The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been maltreated.

In addition, it is the policy of this state to require the reporting of suspected maltreatment of vulnerable adults, to provide for the voluntary reporting of maltreatment of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

MALTREATMENT OVERVIEW:

Maltreatment is divided into 3
categories:

- ABUSE
- NEGLECT
- FINACIAL EXPLOITATION



ABUSE

Definition: Abuse is an act that is done purposely, and produces physical pain, injury, or emotional distress.

TYPES OF ABUSE: (MN SPECIFIC)

PHYSICAL ABUSE: AN ACT THAT HARMS AN INDIVIDUAL- SUCH AS HITTING, SLAPPING, KICKING, PUNCHING, BITING, CORPORAL PUNISHMENT, AND THREATS OF HARM.

SEXUAL ABUSE: PHYSICAL FORCE, THREATS OR COERCION OF NON-CONSENSUAL TOUCHING, FONDLING, INTERCOURSE, OR OTHER SEXUAL ACTIVITIES.

VERBAL ABUSE: HARSH OR MALICIOUS LANGUAGE DIRECTED AT A PERSON WHICH IS DISPARAGING, DEROGATORY, HUMILIATING, HARASSING, OR THREATENING.

EMOTIONAL ABUSE: INVOLVES CREATING EMOTIONAL PAIN, DISTRESS, OR ANGUISH BY USING THREATS, INTIMIDATION, OR HUMILIATION. THIS INCLUDING- THREATS TO FAMILY, STALKING, DENYING COMMUNICATION, AND PLAYING MIND GAMES.

USE OF RESTRAINT: THE INAPPROPRIATE USE OF MANUAL, MECHANICAL, OR CHEMICAL RESTRAINTS TO RESTRICT THE BODY OF A VULNERABLE ADULT IN A NONTHERAPUTIC MANNER.

INVOLUNTARY SECLUSION: FORCED SEPARATION, REFINEMENT TO A CERTAIN AREA OR LOCATION, AND TIME-OUTS.

Abuse also Includes (MN specific):

ASSAULT

THE USE OF DRUGS TO INJURE OR
FACILITATE A CRIME

PROSTITUTION

CRIMINAL SEXUAL CONDUCT

INTENTIONALLY CAUSING NON-
THERAPEUTIC PHYSICAL PAIN OR
EMOTIONAL DISTRESS- INCLUDING
CORPORAL PUNISHMENT AND
MALICIOUS GESTURES

VULNERABLE ADULTS PERFORMING
ACTS OF SERVICE AGAINST THEIR WILL
FOR THE ADVANTAGE OF ANOTHER

RESTRAINTS OVERVIEW

- You will receive specific training on if restraints are allowed, what types are permitted, which types are not allowed, and under which circumstances, if any, a restraint can be used.
- Restraints can only be used when a person poses an imminent risk of harm to themselves or others and only after all other de-escalation methods have been attempted.



PER MN STATUTES ABUSE DOES NOT INCLUDE:

A vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct.

A person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.

When a vulnerable adult who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship.

IN YOUR ROLE IT IS IMPORTANT TO REMEMBER:

Punishment is not allowed.

It is not your job to "teach someone a lesson."

Aversive or deprivation procedures—such as taking something away or confining someone to a certain area or room— are considered punishment.

FINANCIAL EXPLOITATION

Definition: the misuse, mishandling, or exploitation of property, possessions, or assets. This also includes the use of another's assets without consent, under false pretense, or through coercion or manipulation.



Financial Exploitation Includes:
(MN Specific)

UNAUTHORIZED USE OF A
VULNERABLE ADULT'S
FUNDS

FAILURE OF USE OF THE
FINANCIAL RESOURCES
OF A VULNERABLE
ADULT TO PROVIDE FOOD,
CLOTHING, SHELTER, AND
HEALTH CARE.

WILLFULLY USES,
WITHHOLDS, OR
DISPOSES OF FUNDS OR
PROPERTY OF A
VULNERABLE ADULT

ACQUIREMENT OF
PROPERTY OR FUNDS
THROUGH THE USE OF
UNDUE INFLUENCE,
HARASSMENT, DURESS,
DECEPTION, OR FRAUD.

FORCES, COMPELS,
COERCES, OR ENTICES A
VULNERABLE ADULT TO
PERFORM SERVICES FOR
PROFIT OR THE
ADVANTAGE OF OTHERS.

USE OF FUNDS FOR THE
WRONGFUL PROFIT OR
ADVANTAGE OF
ANOTHER PARTY.

Financial Exploitation Examples:

BORROWING MONEY FROM A VULNERABLE ADULT.

ASKING A VULNERABLE ADULT TO BUY YOU LUNCH.

TAKING MATERIALS, LIKE TOILET PAPER, INTENDED TO BE USED AT A FACILITY OR HOME.

TAKING A CAN OF SODA FROM A PACK PURCHASED BY A VULNERABLE ADULT.

TAKING MEDICATION BELONGING TO A VULNERABLE ADULT.

USING A VULNERABLE ADULT'S MONEY TO PURCHASE ITEMS FOR THE ENTIRE HOUSE OR PROGRAM.

NEGLECT

General Definition: failure by individuals to support the physical, emotional, and social needs of adults dependent on others for their primary care.

MN Specific Definition: 2 kinds– neglect by a caregiver or self–neglect:

- Caregiver Neglect: 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 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 which is not the result of an accident or therapeutic conduct.
- Self–Neglect: neglect by a vulnerable adult of the vulnerable adult's own food, clothing, shelter, health care, or other services that are not the responsibility of a caregiver which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort.



Per MN Statues Neglect does not include:

- A vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct.
- A person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult.
- When a vulnerable adult who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in consensual sexual contact with a person, including a facility staff person, when a consensual sexual personal relationship existed prior to the caregiving relationship.
- An individual makes an error in the provision of therapeutic conduct to a vulnerable adult which does not result in injury or harm which reasonably requires medical or mental health care.
- An individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires the care of a physician, and: care was received in a timely fashion, the person is expected to make a full recovery, the error is not a part of a pattern of errors, the error is reported internally, and the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of similar errors.

HOW DO YOU PREVENT MALTREATMENT?

BE ENGAGED

Stay engaged and build trusting relationships with the people you support.

BE SUPPORTIVE

Let the people you support know that you are always there for them.

ENCOURAGE HEALTHY RELATIONSHIPS

Encourage the people you support to build and maintain healthy relationships with others– including family, friends, and members in the community.

MANDATED REPORTERS

Hopefully, all people who witness or suspect maltreatment will report the abuse. However, Mandated Reporters are a special group required to report suspected maltreatment.

Mandated Reporters are professionals or professional's delegate identified by law who **MUST** make a report if they have a reason to believe that the abuse, neglect, or financial exploitation of a vulnerable adult has occurred.

Mandated Reporter means a professional or professional's delegate who works in: social services, law enforcement, education, direct care, licensed health and human services, employment in a licensed facility, and medical examiners/coroner activities.

EXAMPLES:

DOCTORS

POLICE OFFICERS

PASTORS/PRIESTS

NANNYS

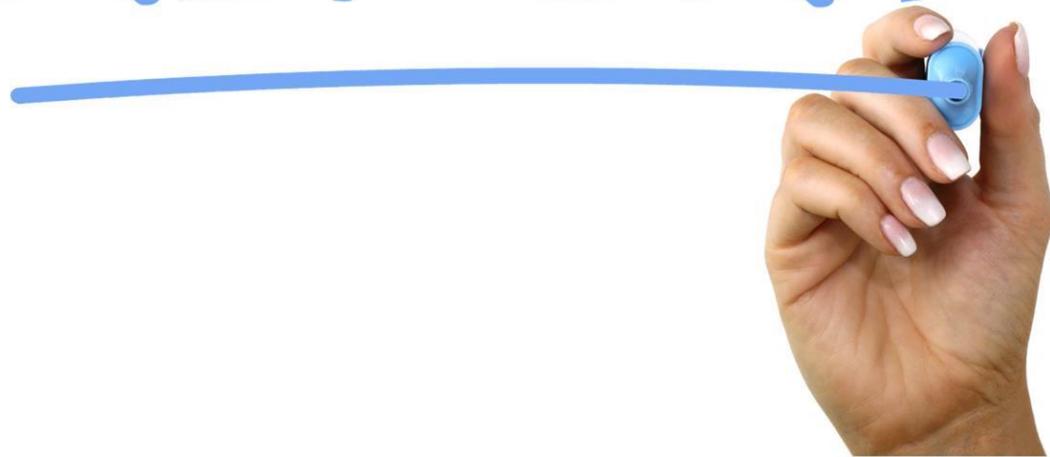
TEACHERS

YOU!

IMPORTANT THINGS TO REMEMBER IN YOUR ROLE AS A MANDATED REPORTED:

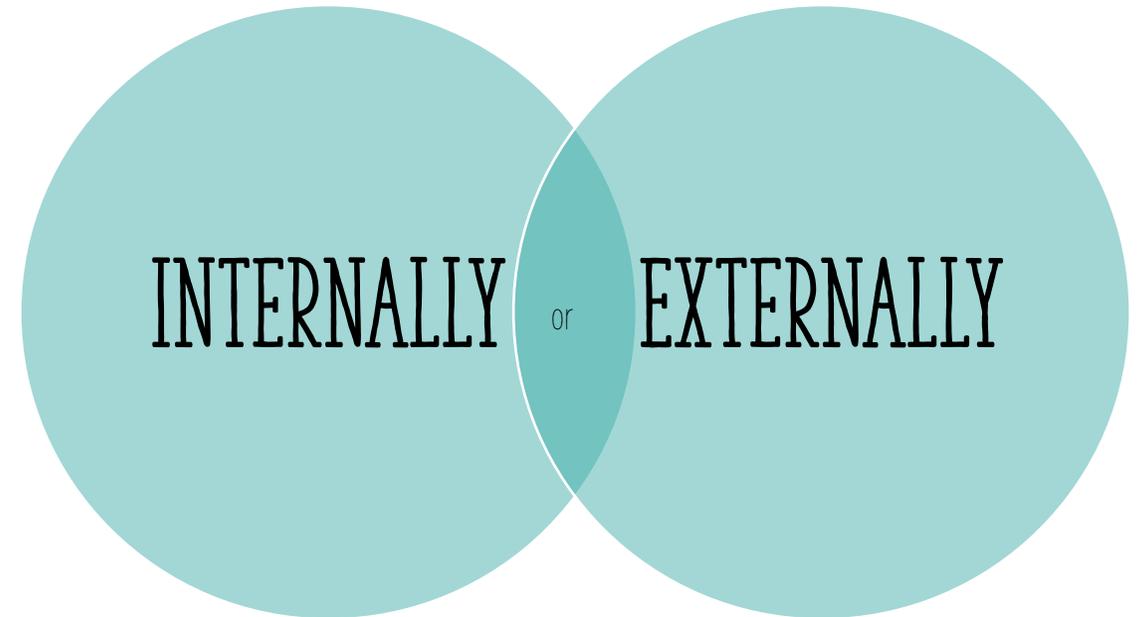
- Anyone can be a victim of maltreatment- regardless of disability and how independent the vulnerable adult may be.
- Anyone can be a perpetrator of abuse- including close family, friends, and coworkers you have worked with for years.
- Several obstacles exist when it comes to a vulnerable adult reporting abuse:
 - An individual may not cognitively understand that what they are experiencing is abuse.
 - An individual may be non-verbal or lack a formal method of communication and may be unable to report what is going on at all or in detail.
 - An individual may be afraid to get a family member or staff member in trouble or be fearful of retaliation.
 - An individual may fear that no one will believe them and may have even not been believed in the past.
 - An individual may have experienced the abuse for so long that it seems "normal" to them.
 - An individual may feel that the abuse is their fault.

REPORT

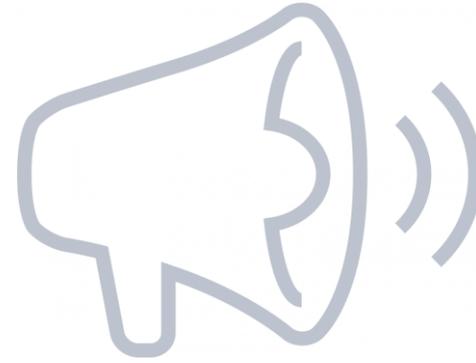


IT IS YOUR JOB AS A MANDATED REPORTER TO REPORT ALL SUSPECTED INSTANCES OF MALTREATMENT OF A VULNERABLE ADULT, REGARDLESS OF THE AMOUNT OF PROOF OR FACTS YOU MAY OR MAY NOT HAVE.

YOU CAN REPORT:



EXTERNAL REPORTING



MINNESOTA ADULT ABUSE REPORTING CENTER (MAARC) WITHIN 24 HOURS

BY
PHONE

CALL 1-844-880-1574

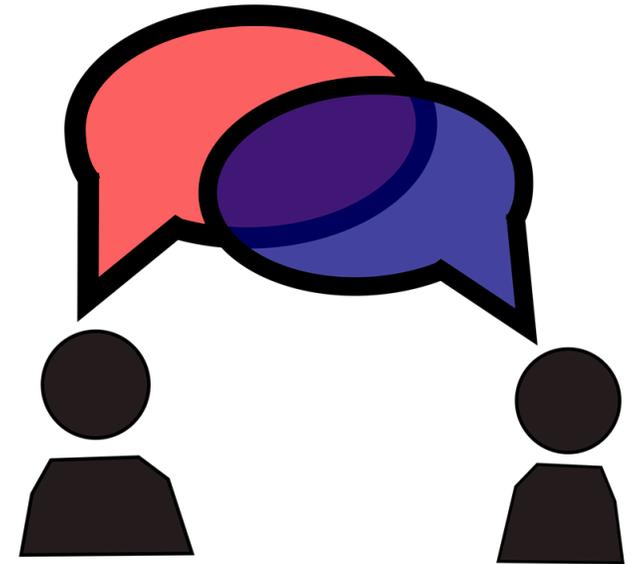
ONLINE

[MN.GOV/DHS/REPORTADULTABUSE](https://mn.gov/dhs/reportadultabuse)

INTERNAL REPORTING

THE PROGRAM DIRECTOR IS THE PRIMARY INDIVIDUAL RESPONSIBLE FOR RECEIVING INTERNAL REPORTS OF MALTREATMENT AND FOR FORWARDING INTERNAL REPORTS TO THE MAARC.

LINDSAY HILAND (LINDEN & OAKDALE)
KEVIN KMETZ (COMMERCE & PARKWAY)



- If the director is involved in the alleged or suspected maltreatment or if your program supervisor is more readily available, maltreatment can also be reported to them.
- PAI has a company specific policy on the Maltreatment of Vulnerable Adults, that you will receive additional training on once onsite.

IMPORTANT DEFINITIONS TO REMEMBER WHILE FILING A REPORT:

False Report or a Bad Faith Report: A report placed with information that the individual knows to be untrue or fabricated. A person who knowingly makes a false report could be found guilty of a misdemeanor and be held liable in a civil suit for damages and fees.

Good Faith Report: An accurate report of the facts you know to be true– a report of what you have seen and heard. You do not need to have all the facts or know for certain that abuse/maltreatment occurred– just report what you know.



EVERYONE NEEDS HELP SOMETIMES-

- If you suspect something is wrong, speak up. One conversation could change someone's life.
- As Minnesotans, we look out for each other. It's why the Minnesota Department of Human Services and other state agencies, along with counties and communities across the state, work to promote safety and well-being for all. But you can't solve every problem by yourself. That's why we're here, doing our best to help make sure those in need are safe and supported.



CLOSING-

- As a Mandated Reporter, you are required to report all witnessed or *suspected* instances of maltreatment. You are not responsible for determining if suspected maltreatment occurred.
- When you make a report, your information will be kept confidential. Your information will be kept private and no one will be informed that you reported them.