Elder and Vulnerable Adult Abuse Prevention Working Groups

MDH Commissioner Malcolm invited a variety of people from the industry to participate in informal discussions around how to address elder abuse. MHCA is proud to represent the interests of home care in these conversations.

**Background**

* 90,000 Minnesotans receive home-based care.
* 1/3 of those over 85 years old are under the care of a facility or a home care provider (and are therefore designated as a vulnerable adult).
* 36,000 live in long term care (LTC) facilities.
* From January 1 – Nov 30, 2018, the Office of Health Facility Complaints received 20,815 allegation reports (400/week).
* As MHCA has reported, MDH as diligently worked to enhance the response process. They have improved the workflow, created an interim paperless system and improved communications.
* The department intends to apply the process learnings to other areas, such as improving the frequency of home care surveys.
* They are also using data to learn how to decrease the frequency of abuse & maltreatment.

**Recommendations**

Over the past few months several workgroups have met and crafted recommendations. The workgroups included:

* Assisted Living Licensure
* Assisted Living Report Card
* Dementia
* Quality/Safety
* Consumer Rights
* Electronic Monitoring

**Below is a brief overview of areas that MHCA is monitoring as regulatory changes could impact the services you provide. Some of the other areas are solely related to residential settings.**

Assisted Living Licensure

* Pull everything related to assisted living into one chapter of law
* Convert Housing with Services registration into several levels of increasing regulation tied to services offered, complexity of needs of people served, and degree of consumer control over choices in a setting. Define key terms in statute.
* Housing only, with no services, may be registered vs licensed.
* Services beyond housing require licensure with increasing standards:
* Level One - Housing with Supportive Services Only
* Level Two - offering Basic health care services (home care law)
* Level Three - offering Comprehensive health care services (same)
* Level Four - offering dementia or memory care
* Specifications in the law will include:
* Physical plant requirements
* Criteria for client evaluation and admission procedures
* More specificity and standard language in marketing materials and disclosures to prospective clients/residents
* Requirements for lease or service terminations
* One license holder will be responsible for compliance, even if services are subcontracted.

Dementia

* It was agreed that people living with dementia should not be required to live in dementia care settings.
* A question was raised regarding people with dementia living in all settings and whether all settings should then meet minimum dementia training requirements?
* There was consensus that there should be additional certification or licensure for dementia care units, i.e., standards and consumer disclosures.
* Discharge standards in Assisted Living should take the same general approach as nursing home standards.
* Detailed recommendations will be forthcoming on:
  + Staff training requirements, curriculum and evaluation of competencies
  + Required disclosures to regulators, residents, families (including who can live in the facility/units, pre-admission, transfer and discharge processes)
  + 24-hour awake staff; other staffing patterns based on patient needs
  + Physical environments
  + Activity programming and behavior support plans
  + Medical management

Quality/Safety

This group decided to focus primarily on prevention strategies for long-term care facilities.

Other

The Commissioner’s Workgroup recognizes the need to address workforce shortages and map out all the workforce initiatives around the state.

Although dependent on direction from the new administration, there is a tentative plan for MDH to bring forward a legislative package that will include these recommendations, particularly the Assisted Living licensure.

The [workgroup reports](http://www.health.state.mn.us/divs/fpc/ohfcinfo/prevworkgroups/index.html) are available online.