

## Legislative Workgroup Meeting

Friday, October 31 from 12:30-1:30pm

### Members Present

Iris Freeman (Wm. Mitchell), Marsha Berry (Alzheimer's Association), Arlene Wegener (Ombudsman – MH/DD), Barb Doherty (MNALL), Kelsey Walter (ECRA), Melissa Hunt (Wm. Mitchell for Kim Dayton), Carmen Castaneda (Hennepin County APS), Deb Peterson (AG's Office), JJ Hasbargen (AG's Office), Kris Lohrke (OHFC), Stella French (OHFC), Deb Holtz (Ombudsman – LTC), Keith Weigel (AARP), Jane Ochrymowycz (Alzheimer's Association), Jon Lips (Care Providers), Mark Wandersee (ECRA), Kevin Hansen (ECRA)

### Agenda

- Silver Alert
- Review Follow-Up Items (Sept. 26 and Oct. 10)
- First Look at Marketing Framework
- Summarize Homework
- Next Meetings (November 10-11, December 3-4)
  - Meeting on 11/20 with Senator Moua

### Discussion

- Silver Alert
  - Pros and Cons
    - physically located → broaden language a bit to include someone who has a connection to MN and perhaps is on the way here (likely to be here, connections to MN, etc.)
    - AMBER Alert has an inter-state focus
    - individuals cannot care for themselves; quick, broad broadcast because time is important (minutes matter)
    - promoting autonomy while guaranteeing a “safety net”
    - approx. 12 states using a similar Silver Alert system
    - protections from liability for good faith reports
- Consensus

- Cost Implications
  - other states using a similar system/structure without much for cost implications
- Missing Stakeholders/Moving Forward
  - County Attorney's Association (John Kingrey)
  - Joan Willshire (State Council on Disabilities) and Anne Henry (Disability Law Center)
    - contacted; VAA Stakeholder issues presented to this community
    - favorable response
  - MN Sheriff's Association (James Franklin)
  - Other Law Enforcement
    - Hennepin County Sheriff (Gottwaldt)
    - Minneapolis PD (Wurster)
    - St. Paul PD (Bebeau)
    - Police Chiefs
  - Patty Wetterling
    - prevention of Sexual Violence program
    - large network that might support our work on the VAA
  - Department of Public Safety (Sexual Violence Programs, OJP)
  - BCA
  - Advocates for Youth
    - potentially dilute the system and take up certain resources
  - Media Personnel
    - other persons who may be interested, please direct information to Iris Freeman
- More Research Needed
  - any numbers or data for those who may go missing?
  - statistics for those who go missing from home vs. from a facility

- 60% of those with Alzheimer's will engage in "wandering"
  - training
- Student researchers (NCEA, ABA Law and Aging, etc.)
  - create a dancecard for the entities that would be part of the SA system

#### Further Points to Discuss and Work On

- Centralized CEP
  - Hennepin County supporting it; Ramsey County not so much
  - divided view on this from the counties; MACSSA standpoint
  - tribal contact and outreach for this and potentially for Silver Alert too
  - giving Jerry Kerber some homework re: reporting system and DHS approval
    - input with DHS Budgeting and legislative work, as well
  - lobbyist for MN Sheriff's Association (Eric \_\_\_\_\_ )
    - Jon Lips tackling this outreach perspective
- No More Dual Reporting!
  - Hospital Association on board with our proposal (County accepting Faxed reports)
  - ICFsMR never intended to be included in incident reporting of LTC like nursing homes
    - not an issue for us to consider re: dual reporting
- Fiduciary Obligation
  - Criminal Code Subcommittee (CCS) reporting on this in the Large Group meeting
  - concerns from the Bar Association groups
    - Elder Law Bar, Real Estate Bar, etc.
  - flesh out these perspectives in another LWG meeting along with CCS proposals
- County Response to MA Eligibility
  - EW vs. Hardship Waiver

- Ombudsman's anecdotal evidence: County disproportionate application of Waivers
- Research how different counties interpret the Waiver guidelines/requirements
- Hennepin County anecdotal evidence: 11 cases asking for hardship waivers, 6 of those were APS cases, 3 were granted (improper transfers = hardship waivers)
  - some that got denied were the eligibility period being miscalculated by the financial worker on the case
  - in 5 of the cases, hardships were asked for by the nursing home rather than the client (nursing home not being paid for services/care rendered)
- working relationship between APS and the financial workers
  - checking information/data back and forth to correlate
- hardship waiver not only for when someone's victimized (exploitation), but also when money has been transferred improperly by their own volition
- FTC published red-flag rules (postponing enforcement)
  - regulations go into effect on November 1<sup>st</sup>
  - anyone who extends credit to another person (banks, financial institutions, credit unions, credit cards) must have policies dealing with and addressing identity theft
  - rules and guidelines focus on family members misappropriating money
  - Nursing Homes being pulled in (extending credit, billing after the fact for MA services)
  - any care provider or provider of services could also potentially be pulled in under this
- Functional Definition of VA
  - Disability community perspective on this particular issue
    - seems to be well-received from this group of individuals
    - care = clinical
    - services = maintain in the community/throughout the day
  - clarification of care/services in the statute
  - using "and" vs. "or" within 626.5572 Subd. 21 (4)(i)
- Comfort Language for Financial Institutions

- Jean Wood from Board on Aging
- Contacting Sandra Anderson (retired, Wells Fargo)
- Carmen Castaneda reporting back from BITS training (Wachovia Bank, Pennsylvania)
- Student Research
  - data around savings to the state when Fin. Exploit. and other Abuse forms are prevented rather than spending money on follow-up remedies to situations
- Guardianship/Conservatorship Task Force
  - bonding of anyone performing Conservatorship functions
  - recommending an accessible online training for all conservators and guardians about the specific laws pertinent to their respective role

#### PR and Marketing

- “The Pitch”
- general consensus; modify as the priorities change

#### Next Steps and Meetings

- November 20 at 2pm: Meeting with Senator Moua (small group of Stakeholders, 4-5 people)
  - Room 120 at the Capital Building
- Legislative Workgroup
  - Meeting #1 – Monday, November 10<sup>th</sup> from 1-3pm
  - Meeting #2 – Thursday, December 4<sup>th</sup> from 1-3pm