

Vulnerable Adult Study Training Guide

Who is a Vulnerable Adult?

Minnesota Statute ([MS 626.5572, subd. 21](#)) defines ‘vulnerable adult’ as any person 18 years of age or older who:

- Is a resident or inpatient of a facility
- Receives services at or from a facility required to be licensed to serve adults under [Chapter 245A. Human Services Licensing](#)
- Receives services from a home care provider required to be licensed under section or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections

Exception: a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program, is on a court hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter [MS 253B](#), is not considered a vulnerable adult unless the person meets the requirements of clause (4)

Reporting Maltreatment

A mandated reporter who suspects a vulnerable adult was maltreated is REQUIRED TO REPORT to MN Adult Abuse Reporting Center (MAARC) and the Common Entry Point (CEP)

The CEP, the unit designated under Minnesota laws by the commissioner of human services for receiving reports of suspected maltreatment, will operate as (MAARC).

- **Is available 24 hours per day** to take calls from mandated and voluntary reporters of suspected maltreatment of vulnerable adults.
- **Immediately notifies the county agency** responsible when the vulnerable adult needs immediate adult protective services.
- **Immediately notifies a law enforcement agency** for any report of suspected maltreatment in which there is reason to believe a crime has been committed.
- **Immediately notifies** the medical examiner and the Ombudsman for Mental Health and Development Disabilities for any report of suspected maltreatment which involves a suspicious death.
- **Refers reports of suspected maltreatment** to the lead investigative agency,

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responsible for the report.

Reports of suspected maltreatment of a vulnerable adult are made 24/7/365 to MAARC at 844-880-1574

- A report means a statement concerning all the circumstances known to the reporter at the time the statement is made surrounding the alleged or suspected maltreatment of a vulnerable adult.
- The standard for making a report is “suspected maltreatment of a vulnerable adult”. The reporter does not need first-hand knowledge or evidence of the incident of suspected maltreatment, or of the adult’s diagnosis or impairment.
- A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained shall immediately (as soon as possible, but within 24 hours) make an oral report of the information to the CEP operating as (MAARC). A mandated reporter may disclose not public data and medical records to the extent necessary to comply with reporting duties.

Information that will be helpful to have on hand when making a report includes:

- Your name and contact information and how you know about the situation; your relationship to the vulnerable adult
- Name, age, address, identifying information and the current location of the vulnerable adult
- Current injuries, medical problems, or disabilities
- Needs for assistance and any services received by the vulnerable adult
- Name, address & relationship of the alleged perpetrator and the vulnerable adult
- Any evidence of previous maltreatment
- Location of incident & other information you believe might be helpful investigating suspected maltreatment
- Names of witnesses, relatives, guardian, licensed providers, or concerned parties
- Actions to protect the vulnerable adult & risk of imminent danger to the person who is vulnerable

Maltreatment means abuse, neglect, or financial exploitation as defined below:

- **Abuse** is physical, emotional, or sexual ([MS 656.5572, subd. 2](#))
- **Neglect** is the failure to provide for food, clothing, shelter, medical care/supervision ([MS 626.5572, subd. 17](#))
- **Financial Exploitation** is the misuse of a funds, assets or property or the failure to use the vulnerable adult's financial resources to care for the

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vulnerable adult, which results in or is likely to result in detriment to the vulnerable adult ([MS 626.5572, subd. 9](#))

Abuse

Abuse means an act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding & abetting a violation of these statutes:

- Assault in the first through fifth degrees ([MS 609.221 to 609.224](#))
- The use of drugs to injure or facilitate crime ([MS 609.235](#))
- The solicitation, inducement, and promotion of prostitution ([MS 609.322](#))
- Criminal sexual conduct in the first through fifth degrees ([MS 609.342 to 609.3451](#))

Abuse is also defined as:

- Hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult
- Use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening
- Use of any aversive or deprivation procedure (punishment), unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult
- Any sexual contact or penetration as defined in [MS 609.341](#), between a facility staff person or a person providing services in the facility and a resident, patient, or client of facility
- The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

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

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- 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
- Not the result of an accident or therapeutic conduct

Financial exploitation

In breach of a fiduciary obligation recognized elsewhere in law, including pertinent regulations, contractual obligations, documented consent by a competent person, or the obligations of a responsible party ([MS 144.6501, subdivision 1d](#)), a person:

- Engages in an unauthorized of funds entrusted to the actor by the vulnerable adult which results or is likely to result in detriment to the vulnerable adult; or
- Fails to use the financial resources of the vulnerable adult to provide food, clothing, shelter, healthcare, therapeutic conduct or supervision for the vulnerable adult, and the failure results or is likely to result in detriment to the vulnerable adult.

In the absence of legal authority, a person:

- Willfully uses, withholds, or disposes of funds or property of a vulnerable adult
- Obtains for the actor or another the performance of services by a third person for the wrongful profit or advantage of the actor or another to the detriment of the vulnerable adult
- Acquires possession or control of, or an interest in, funds/property of a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or
- Forces, compels, coerces, or entices a vulnerable adult against the vulnerable adult's will to perform services for the profit or advantage of another