

House Research Act Summary

CHAPTER: 289

SESSION: 2002 Regular Session

TOPIC: Standards for reporting maltreatment in licensed programs serving persons with mental retardation or related services

Date: March 26, 2002

Analyst: Peg Hicks, 651-296-8079

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This act modifies the licensing standards for programs serving persons with mental retardation or related conditions. Specifically, the act modifies the requirements for license holders to report and maintain certain information about incidents involving consumers at licensed programs. It also requires licensed programs to develop individualized assessments of a consumer's susceptibility to abuse by other individuals, including other vulnerable adults.

Section

- 1 **Incident.** Amends § 245B.02, subd. 10. Modifies the definition of incident.
- 2 **Reporting incidents.** Amends § 245B.05, subd. 7. Paragraph (a) requires the license holder to maintain information about and report within 24 hours certain incidents involving a consumer to a consumer's legal representative, licensed caregiver, if any, and case manager. Provides that the report need not be made if the incident has been reported by another license holder.
Paragraph (b) prohibits the license holder, when the incident involves more than one consumer, from disclosing personally identifiable information about a consumer to other consumers' legal representatives, other licensed caregivers, if any, and case managers unless a consumer consents to the disclosure.
Paragraph (c) requires that, within 24 hours of reporting child or vulnerable adult maltreatment under section 626.556 or 626.557, the license holder must inform a consumer's legal representative or case manager of the report unless the suspected maltreatment involves the legal representative or case manager. Specifies the information the license holder must disclose regarding the maltreatment.
- 3 **Consumer data file.** Amends section § 245B.07, subd. 1. Specifies additional information that a license holder must maintain for each consumer, including information about incidents;

reports; and verbal aggression directed at a consumer by another consumer.

- 4 **Abuse prevention plans.** Amends § 626.557, subd. 14. Requires a facility's individual abuse prevention plan for each vulnerable adult residing in or receiving services from the facility to include an individualized assessment of the person's susceptibility to abuse by other individuals, including other vulnerable adults.