

**DHS DIVISION OF LICENSING  
Self-Monitoring Checklist**

**Home and Community-Based Services Licensed under Minnesota Statutes, chapter 245D**

## **MALTREATMENT REPORTING**

### **Vulnerable Adult Act**

It is the policy of the state of Minnesota to provide safe environments and services for vulnerable adults and to provide protective services for vulnerable adults who have been maltreated.

A vulnerable adult can be any person over age 18 who:

- Has a physical, mental or emotional disability that makes it difficult for the person to care for themselves or to protect themselves from maltreatment
- Is in a hospital, nursing home, transitional care unit, assisted living, housing with services, board and care, foster care or other licensed care
- Receives services such as home care, day services, personal care attendant/PCA, employment training, treatment for mental illness, etc.

There are three basic kinds of maltreatment:

- Abuse – physical, emotional or sexual
- Neglect – The vulnerable person does not have necessary food, shelter, clothing, health care or supervision due to neglect by a caregiver, or because the vulnerable adult cannot meet their own needs.
- Financial exploitation – the vulnerable adult's money, assets or property are not used for their benefit or are stolen or kept from them.

Mandated reporters are required by law to report alleged and suspected maltreatment of vulnerable adults. To report maltreatment of a vulnerable adult call your local county Common Entry Point (CEP).

### **Maltreatment of Minors Act**

It is the policy of the state of Minnesota to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse and to require the reporting of suspected neglect or abuse.

Neglect usually involves the failure of the child's caregiver to:

- Supply the child with necessary food, clothing, shelter, medical or mental health care, or appropriate supervision
  - Protect the child from conditions or actions that endanger the child
  - Take steps to ensure that a child is educated according to the law.
- Exposing a child to certain drugs during pregnancy and causing emotional harm to a child may also be considered neglect.

Physical abuse is any physical injury or threat of harm or substantial injury, inflicted by a caregiver upon a child other than by accidental means. The impact of physical abuse can range from minor bruises to severe internal injuries and death. Physical abuse does not include reasonable and moderate physical discipline of a child that does not result in an injury.

Mental injury is harm to the child's psychological capacity or emotional stability evidenced by an observable and substantial impairment of the child's functioning.

Sexual abuse is the subjection of a child to a criminal sexual act or threatened act by a person responsible for the child's care or by a person who has a significant relationship to the child or is in a position of authority.

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For children, reports of suspected abuse or neglect in DHS licensed facilities should be made to the DHS Licensing Division's Maltreatment Intake Unit by calling (651) 431-6600. Reports of suspected abuse or neglect of children occurring within a family or in the community should be made to the local county social service agency or local law enforcement.

[Definitions for Maltreatment of Minors – see section 626.556, subdivision 2](#)

[Definitions for Maltreatment of Vulnerable Adults – see section 626.5572](#)

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LAW / RULE CITE	LICENSING STANDARD	RECORD 1	RECORD 2	RECORD 3	NOTES
<b>626.557, Subd. 4a</b>	<b><u>Reporting Maltreatment of a Vulnerable Adult</u> The facility [license holder] met all requirements for responding to reports of suspected or alleged maltreatment of vulnerable adults by mandated reporters under the control of the license holder.</b>				
626.557, Subd. 4a, (a)	<u>All Reports of Maltreatment</u> The license holder ensured that all cases of suspected maltreatment were reported in accordance with section 626.557 and the license holder's reporting policy and procedures.				
	<u>Internal Reports of Maltreatment</u> The license holder immediately forwarded all internal reports made of alleged or suspected maltreatment to the common entry point in compliance with the Vulnerable Adults Act, section 626.557.				
626.557, Subd. 4a, (b)	<u>Written Notice to Mandated Reporter</u> When the license holder received an internal report from a mandated reporter the license holder gave the mandated reporter a written notice stating whether the facility reported the incident to the common entry point.				
	The written notice was provided within two working days and				
	in a manner that protected the confidentiality of the reporter.				
626.557, Subd. 4a, (c)	The written response to the mandated reporter noted that if the mandated reporter was not satisfied with the action taken by the facility on whether to report the incident to the common entry point, then the mandated reporter may report externally.				
626.557, Subd. 4a, (d)	<u>Allow External Reporting</u> The license holder did not prohibit a mandated reporter from reporting externally,				

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	<p><u>No Retaliation</u> and did not retaliate against a mandated reporter who reported an incident to the common entry point in good faith.</p> <p>The written notice by the license holder informed the mandated reporter of protection from retaliatory measures by the license holder against the mandated reporter for reporting externally.</p>				
<p><a href="#">245A.65</a>, Subd. 1, (b)</p>	<p><b><u>Internal Review of Reports of Maltreatment of Vulnerable Adults</u></b> <b>The license holder met the requirements for conducting an internal review when the license holder had reason to know that an internal or external report of suspected or alleged maltreatment had been made when serving vulnerable adults.</b></p>				
	<p>The license holder</p> <p>(1) The license holder ensured that an internal review was ___completed within 30 calendar days and that ___corrective action was taken as necessary to protect the health and safety of vulnerable adults when the facility had reason to know that an internal or external report of alleged or suspected maltreatment has been made.</p> <p><u>Evaluation</u> The review included an evaluation of whether related policies and procedures were followed,</p> <p>whether the policies and procedures were adequate,</p> <p>whether there was a need for additional staff training,</p> <p>whether the reported event was similar to past events with the vulnerable adults or the services involved, and</p> <p>whether there was a need for corrective action by the license holder to protect the health and safety of vulnerable adults.</p>				

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	<p><u>Corrective Action Plan</u> Based on the results of this review, the license holder __developed, __documented, and __implemented a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the license holder, if any.</p> <p>(2) The primary, secondary person or designated position, identified in the license holder's maltreatment reporting policy ensured that an internal review was completed when required.</p> <p>The secondary person was involved when there was reason to believe that the primary person was involved in the alleged or suspected maltreatment.</p> <p><u>Access to Internal Reviews</u> (3) The license holder documented and made internal reviews accessible to the commissioner immediately upon the commissioner's request.</p> <p>For the purposes of this section, the documentation provided to the commissioner by the license holder may consist of a completed checklist that verified completion of each of the requirements of the [internal] review.</p>				
<a href="#">245A.66, Subd. 1</a>	<p><b><u>Internal Review of Reports of Maltreatment of Minors</u></b> <b>The license holder met the requirements for conducting an internal review when the license holder had reason to know that an internal or external report of suspected or alleged maltreatment had been made when serving children.</b></p>				
	<p>(1) The license holder ensured that an internal review was __completed within 30 calendar days and that __corrective action was taken when necessary to protect the health and safety of children in care when the facility had reason to know that an internal or external report of alleged or suspected maltreatment had been made.</p> <p><u>Evaluation</u> The internal review included an evaluation of whether:</p>				

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	(i) related policies and procedures were followed;				
	(ii) the policies and procedures were adequate;				
	(iii) there was a need for additional staff training;				
	(iv) the reported event was similar to past events with the children or the services involved; and				
	(v) there was a need for corrective action by the license holder to protect the health and safety of children in care.				
	<u>Corrective Action Plan</u> Based on the results of this review, the license holder ___developed, ___documented, and ___ implemented a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the license holder, if any;				
	(2) The primary, secondary person or designated position, identified in the license holder's maltreatment reporting policy ensured that an internal review was completed when required.				
	The secondary person was involved when there was reason to believe that the primary person was involved in the alleged or suspected maltreatment.				
	<u>Access to Internal Review</u> The license holder documented and made internal reviews accessible to the commissioner immediately upon the commissioner's request.				
	For purposes of this section, the documentation provided to the commissioner by the license holder may consist of a completed checklist that verifies completion of each of the requirements of the review.				