

Maltreatment of Minors Act and Vulnerable Adults Act Activities Modifications

HEALTH REGULATION DIVISION (HRD), OFFICE OF HEALTH FACILITY COMPLAINTS (OHFC)

ATTENTION

The Minnesota Department of Health (MDH) Health Regulation Division previously announced temporary modifications to certain requirements for investigations, background studies, and enforcement activities for the Maltreatment of Minors Act (MOMA) and the Vulnerable Adults Act (VAA). **MDH has revised the modifications concerning invoicing of fines assessed following investigation.**

This revision:

- Requires the payment of fines assessed during the COVID-19 Peacetime Emergency. MDH will send an invoice for any fines that are due for payment.

To allow the MDH Office of Health Facility Complaints (OHFC) to prioritize investigations of allegations of egregious maltreatment that could result in serious harm or death, while also prioritizing COVID-19-specific support to providers and vulnerable adults, the following modifications remain in effect:

- Timeframe requirements for completing maltreatment investigations and investigation-related notices.
- Timeframe requirements for requests for reconsideration as needed for OHFC, and timeframe requirements for vulnerable adults or interested person who acts on behalf of the vulnerable adult, providers, and alleged perpetrators who are unable to timely submit requests due to COVID-19 related issues.
- Timeframe requirements related to data requests.

Requirements Being Waived or Modified

[Emergency Executive Order 20-32 \(PDF\) \(https://www.leg.state.mn.us/archive/execorders/20-32.pdf\)](https://www.leg.state.mn.us/archive/execorders/20-32.pdf) issued on April 8, 2020, adopted into Minnesota Session Laws, [Chapter 74, Article 1, Section 13 \(https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/74/\)](https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/74/), allows the Commissioner of Health to temporarily delay, waive, or modify certain requirements so that providers can take necessary action to protect Minnesotans.

The following Minnesota Statutes related to investigations, background studies, and enforcement activities for the Maltreatment of Minors Act (MOMA) and the Vulnerable Adults Act (VAA) are now modified:

- Minnesota Statutes, sec. 626.556, specifically:
 - 626.556, subd. 10(e)
 - 626.556, subd. 10(f)

- 626.556, subd. 10(i)
- Minnesota Statutes, sec. 626.557, specifically:
 - 626.557, subd. 9(b)
 - 626.557, subd. 9(c)
 - 626.557, subd. 9(d)

What HRD is Doing Differently

OHFC is:

- Prioritizing investigations of egregious maltreatment allegations and COVID-19 related complaints only, and sending investigation related notices within a reasonable time.
- Allowing exceptions to the statutory timeframe requirements as needed for vulnerable adults or interested person acting on behalf of the vulnerable adult, providers and alleged perpetrators to request reconsideration and for OHFC to respond to these requests.
- Allowing exceptions to the statutory timeframe requirements for completing data requests.
- Emphasizing education and outreach to assist providers dealing with COVID-19.

Implementation Guidance

MDH supports health care facilities' efforts to protect public health and offers the following guidance to assure safety during COVID-19-related restrictions.

You must:

- Watch for any outstanding fine invoices and make payment upon receipt.
- Continue to report suspected maltreatment of vulnerable adults to the Minnesota Adult Abuse Reporting Center (MAARC).
- Comply with MDH investigation activities as required by statute.

Timeframe

This waiver will be for the period of the peacetime emergency and up to 60 days past the end of the emergency.

Situations Not Included in these Modifications

MDH has not waived or modified any reporting requirements contained in the Vulnerable Adults Act or the Maltreatment of Minors Act.

Questions?

For additional information, please email the Office of Health Facility Complaints at Health.OHFC-Complaints@state.mn.us or visit the [OHFC website \(https://www.health.state.mn.us/facilities/regulation/ohfc/\)](https://www.health.state.mn.us/facilities/regulation/ohfc/).

Minnesota Department of Health
Health Regulation Division
PO Box 64900
St. Paul, MN 55164-0900
www.health.state.mn.us

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To obtain this information in a different format, call: 651-201-4101.