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**DEPARTMENT OF HUMAN SERVICES  
LICENSING DIVISION**

**LEGISLATIVE REPORT**

**MALTREATMENT REPORT**

**(Minnesota Statutes, section 626.557, subdivision 12b)**

**MARCH 2006**

## **COST OF PREPARING THE REPORT**

The cost of preparing this report is provided to comply with the requirements of Minnesota Statutes, section 3.197, which states:

**3.197 Required reports.** A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government.

This report was prepared by staff from the Department of Human Services, Division of Licensing. No outside consultants assisted in the development of this report.

It took approximately 75 hours of staff time to prepare the report. Based on average per hour compensation of staff, including benefits, the staff costs for preparing the report is \$2,340.

The cost of printing and distributing 17 copies of the report is estimated to be \$36.27. The report will also be available to the public on the Department of Human Services, Division of Licensing web site (<http://www.dhs.state.mn.us/licensing/>).

The total cost of preparing, printing, and distributing this report is \$2,376.

## LEGISLATIVE DIRECTIVE

Minnesota Statutes, section 626.557, requires DHS to annually report to the Legislature and the Governor information about alleged maltreatment in licensed facilities.

Minnesota Statutes, section 626.557, subdivision 12b, paragraph (e), states:

*Summary of reports. The commissioners of health and human services shall each annually report to the legislature and the governor on the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigation under this section, and the resolution of those investigations. The report shall identify:*

- (1) whether and where backlogs of cases result in a failure to conform with statutory time frames;*
- (2) where adequate coverage requires additional appropriations and staffing; and*
- (3) any other trends that affect the safety of vulnerable adults.*

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**DEPARTMENT OF HUMAN SERVICES  
LEGISLATIVE REPORT  
MALTREATMENT**

**I. EXECUTIVE SUMMARY**

The focus of this report is the investigation of maltreatment in the Department of Human Services (DHS) directly licensed programs (approximately 4,000 programs) and adult foster care homes (approximately 4,000 homes). Adult foster care homes are licensed by the Department, however, except for investigating maltreatment, the monitoring and oversight responsibilities have been delegated to counties in Minnesota Statutes section 245A.16. This is the fourth annual report required under Minnesota Statutes, section 626.557, subdivision 12b.

**Purpose**

The report provides information on the following: general trends in the number of reports received, assessed, and investigated; allegations substantiated and action taken by DHS; information on the effect of maltreatment on vulnerable adults and children; resolution of investigations; conformance with statutory time frames; progress made on the backlog of cases; and adequacy of resources.

**General Trends**

The data shows:

- After steady growth in the number of reports received from FY99 through FY03, the number has remained similar for FY03 through FY05 (FY05 – 4143, a four percent increase over the previous year).
- After a significant increase in the number of reports assigned for maltreatment field investigation from 673 in FY03 to 751 in FY04 (11.5 percent); there was a slight increase to 777 in FY05, an increase of 3.5 percent.
- The 777 maltreatment reports assigned for field investigation was an increase of 3.5 percent over the previous year and included 975 allegations of maltreatment and 98 allegations of a licensing violation (1.38 allegations per reports). (When a report includes allegations of both maltreatment and licensing violations the report is assigned for a maltreatment investigation.)
- There were also 599 reports assigned to licensors for investigation of alleged licensing violations.
- The percent of reports assigned for maltreatment field investigation in the metro area over the last four calendar years decreased 10 percent; from 59 percent in CY02 to 49 percent in CY05. The percent of reports assigned in greater Minnesota increased from 41 percent in CY02 to 51 percent in CY 05; from 275 to 393 reports. This necessitates increased travel.
- The 840 investigations completed was an increase of 50 investigations (21 percent) over the previous year.
- The 49 negative licensing actions taken following maltreatment investigations was an increase of 20 negative actions (60 percent) over the previous year.

- The 66 individuals disqualified following maltreatment investigations was an increase of 19, (29 percent) over the previous year. The percent of completed investigations that resulted in an individual being disqualified was similar to the previous year at eight percent.

### **Serious Issues**

The data shows that the effect of substantiated maltreatment on the vulnerable adult and/or child victim is often serious. In FY05 completed and substantiated allegations showed the following trends in substantiated and completed allegations when each area is compared with the total allegations substantiated:

- The percent of substantiated allegations where the vulnerable adult or child victim received a serious or life threatening injury increased approximately two percent, from 1.75 to 3.86 percent.
- The percent of substantiated allegations where a vulnerable adult or child victim received a minor injury increased more than four percent, from 3.06 to 8.49 percent.
- The percent of substantiated allegations where a vulnerable adult or child victim received moderate injury increased approximately one percent, from 4.37 to 5.40 percent.
- The percent of substantiated allegations where a vulnerable adult or child was exposed to danger increased approximately six percent, from 25.33 to 31.27 percent.
- The percent of substantiated allegations where a vulnerable adult or child was caused physical pain or emotional distress increased approximately one percent, from 30.57 to 31.27 percent.
- The greatest decrease was the percent of substantiated allegations where a vulnerable adult was financially exploited; a decrease of approximately 11 percent, from 24.45 to 13.51 percent.

### **Number of Investigations Completed**

The number of maltreatment field investigations completed by DHS per year for FY98 through FY03 averaged 613. FY02 had the lowest number of field investigations completed (425) due primarily to staffing shortages. After a decrease from FY03 to FY04 of 25 field investigations completed, or 4 percent, the number of field investigations completed in FY05 was 836, an increase of 21 percent.

### **Issues Affecting DHS Output**

The 2001 Legislature reviewed the workload and product of this Department function and provided an increased appropriation of \$359,000 in FY02 and \$277,000 each year thereafter. Staffing issues significantly affected the number of investigations, 425, that were completed in FY02. Toward the end of FY02 six new positions were created and filled in the Intake and Investigations Unit, and two positions that had been left vacant due to a hiring freeze were filled. Hiring and restructuring of duties facilitated the increase in the number of field investigations completed, from 425 in FY02 to 715 in FY03. As Investigators gained experience the Department was able to continue to increase the number of field investigations completed.

Staff turnover has continued to be high. There were three positions vacated during FY03, two in FY04, and three in FY05. Each time a new investigator is hired, there are resources redirected to training, and it takes time for an investigator to gain the experience necessary to be fully productive. The slight decrease in investigations completed in FY04 was likely caused by staff turnover and an increase in travel time necessitated by an increase in assigned field investigations in greater Minnesota.

The 2005 Legislature reviewed the workload and product of the Licensing Division and provided an increased appropriation. The increase will provide for six additional investigators, all of whom are expected to be hired by April 2006.

### **Improvements Made and Planned to Increase Output**

During FY02 DHS received additional resources and reorganized duties to maximize the effectiveness of the increased resources. DHS:

- hired and trained six additional investigators and filled two positions that had remained open as a result of a hiring freeze;
- centralized the report intake functions and restructured related duties within the Licensing Division; and
- developed and implemented technological changes.

During FY03 and FY04 DHS continued to refine the centralization of functions and the standardized criteria for initial investigation of reports. Through the application of standardized criteria during initial investigation, reports with the greatest harm and/or greatest risk of harm are assigned for field investigation first. During both FY04 and FY05 this careful initial investigation resulted in:

- an increase in the number of reports assigned for maltreatment field investigation;
- an increase in the number of maltreatment field investigations that substantiated abuse; and
- a decrease in the number of maltreatment investigations of financial exploitation.

Newly hired investigators gained experience which enhanced the Department's ability to complete more investigations in a timely manner. In FY05 DHS was able to complete 282 (FY04 – 214) investigations within 60 days, which was 34 percent (FY04 - 31 percent) of the investigations completed.

The additional positions funded by the 2005 Legislature will enable DHS to reduce the number of pending investigations, thereby enabling the more timely completion of investigations. In addition, DHS will be able to gradually increase the number of reports assigned for field investigation. DHS continues to be committed to the effective and efficient utilization of resources, the thorough and objective investigation of reports of alleged maltreatment, and timely action to prevent recurrence of maltreatment.

## II. INTRODUCTION AND BACKGROUND

The Department of Human Services (DHS), in partnership with counties, licenses approximately 27,000 service providers and monitors and investigates their compliance with Minnesota laws and rules. The purpose of licensing is to protect the health, safety, rights and well-being of those receiving services by requiring that providers meet minimum standards of care and physical environment. Licensed programs serve thousands of people in child care centers, adolescent group homes, day training and habilitation programs, and residential and outpatient programs for people with chemical dependency, mental illness or developmental disabilities. The focus of this report is the investigation of maltreatment in DHS directly licensed and monitored programs (approximately 4,000) and adult foster care homes (approximately 4,000) licensed by DHS which, except for maltreatment investigations, are monitored by counties.

The statutes most relevant to investigating maltreatment are Minnesota Statutes: section 626.557, the Reporting of Maltreatment of Vulnerable Adults Act (VAA); section 626.556, the Reporting of Maltreatment of Minors Act (MOMA); Chapter 245A, the Human Service Licensing Act (HSLA); and Chapter 245C, the Human Services Background Study Act. From 1995 to the present there have been significant changes to both the VAA and the MOMA. Some of these changes made DHS the sole agency responsible for investigating reports of maltreatment in DHS directly licensed programs and in adult foster care homes. All adults served in DHS licensed programs, except for outpatient chemical abuse treatment programs and the two sexual psychopath treatment programs, are categorically "vulnerable adults" under the VAA.

Also since 1995, additional statutory changes increased the complexity of investigations by initiating a sophisticated appeal process and requiring extensive notifications of decisions made and actions taken. Because statutory background study requirements direct DHS to disqualify people from providing direct contact service when they are found responsible for some types of maltreatment, the changes have also addressed standards for determining who was responsible for maltreatment. Today each investigation must determine:

- what actually happened;
- whether the event met the definition of maltreatment;
- whether an individual or facility was responsible for substantiated maltreatment;
- whether the maltreatment committed by an individual was serious and/or recurring; and
- whether action was necessary to reduce the chance of recurrence of the event to protect the health and safety of vulnerable adults and children.

The complexity of investigations requires an extensive training period for new investigators and limits the number of investigations each investigator can adequately complete. Most investigations include a visit to the program, and as the number of investigations outside the metro area has increased, so has the necessary travel time. Typical investigations require many interviews and the careful review of a variety of documents. Following investigations, investigators are also involved in reviewing appeals and preparing for and testifying at appeal hearings. As a result of these increasing duties, a trained investigator can complete an average of 36 to 40 investigations per year.

### III. CURRENT STATUS AND TRENDS

#### A. Reports assessed

The number of reports of suspected maltreatment of vulnerable adults and children received by DHS each year increased from approximately 3,000 in FY98 to 4,048 in FY03 (34 percent increase). In FY04 and FY05 the number of reports received has remained relatively stable (decrease of two percent, from 4,048 to 3,976 in FY04 and an increase to 4,143, four percent in FY05). Reporters of maltreatment include county staff members, family members of vulnerable adults and children, staff members of licensed programs, other professionals working with people receiving services, and community persons.

Many reports received do not include adequate information to determine: the harm or risk of harm presented to the vulnerable adult or child by the reported events or conditions; or whether the issue reported represents possible maltreatment or a possible licensing violation. If the initial additional information obtained by telephone indicates harm or high risk of harm to the vulnerable adults or children affected, and meets a definition of maltreatment in statute, then the report is assigned for field investigation. If the additional information indicates a possible licensing violation, the investigation may be completed by telephone. For seemingly higher risk or systemic licensing issues, the report may be assigned for a licensing field investigation. Each report involving the death of a vulnerable adult or child is immediately assigned for initial investigation.

The numbers of assigned and completed investigations in this report refers only to reports assigned for maltreatment field investigation and reports involving the death of a vulnerable adult or child. An investigation is only completed when the investigation memorandum required in statute is written, and all required notices of the findings have been issued. (This report does not address the resolution of reports assigned for investigation of alleged licensing violations.)

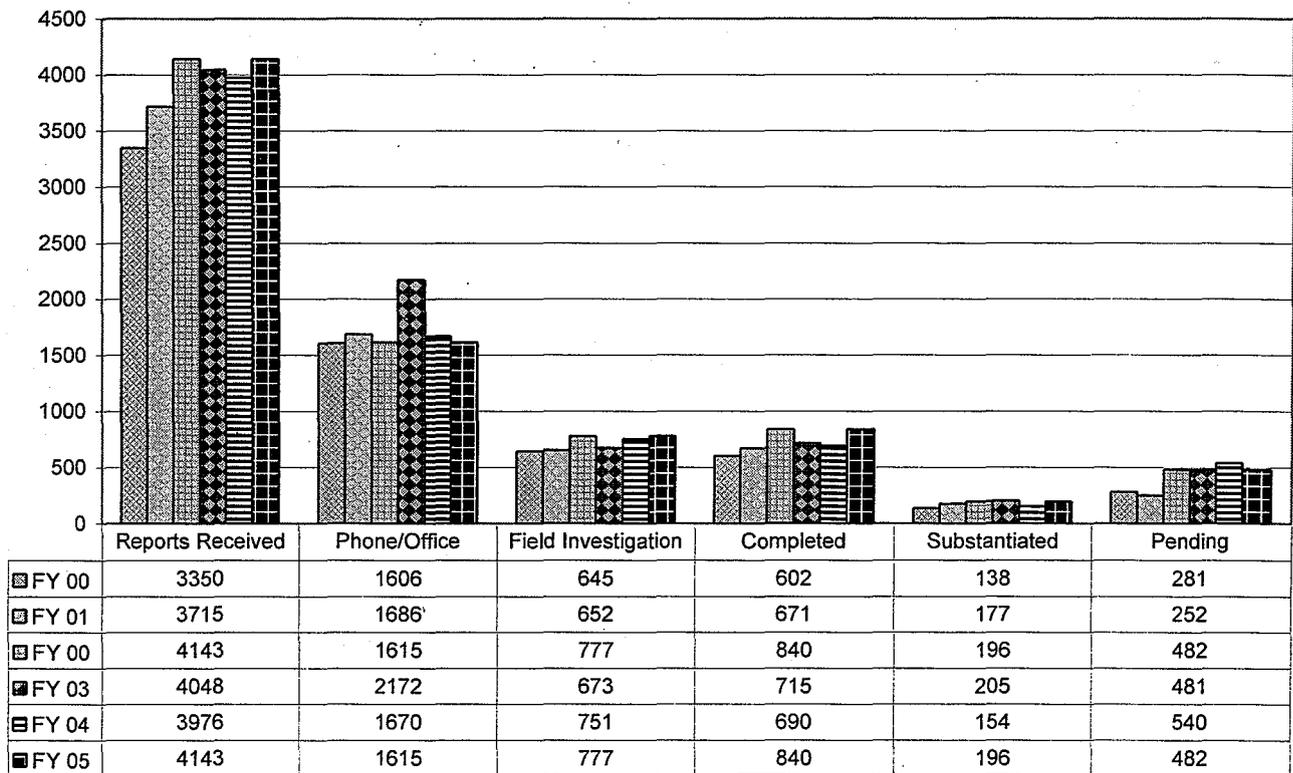
Following are trends identified in recent data:

- The number of reports receiving a **telephone investigation** increased from 1,449 in FY02 to 2,172 in FY03 (33 percent increase). During FY04 there was a decrease of 24 percent in the number of reports receiving telephone investigations, from 2,172 to 1,670, and then the number remained **relatively stable** at 1,615 in FY05.
- The number of reports **assigned** for maltreatment field investigations was generally unchanged in FY99, FY00, and FY01, approximately 650, and then increased in FY02 to 695. In FY03 there was a slight decrease in the number of reports assigned for maltreatment field investigation from 695 to 673. In FY04 reports assigned for maltreatment field investigation increased from 673 to 751, or 11 percent. In FY05 there was a **slight increase** (3.5 percent) to 777 reports assigned for maltreatment field investigation or investigation of a vulnerable adult or child's death.
- The number of investigations **completed** per year for FY98 through FY03 averaged 613. FY02 had the lowest number of investigations completed (425) due primarily to staffing shortages. The staffing issues included staff turnover, a hiring freeze that

resulted in unfilled positions, a strike by MAPE employees, and redirection of some staff resources to train new investigators. The FY03 increase to 715 investigations completed represented an increase of 20 percent over the average number of investigations completed in the preceding 6 years. In FY04 there were 690 investigations of a vulnerable adult or child's death or maltreatment field investigations completed. The decrease of 25 investigations completed (four percent) was the result of staff turnover and increased travel time. In FY05 840 investigations of a vulnerable adult or child's death or maltreatment field investigations were completed, which represented an **increase** of 21 percent.

- See **Figure 1** for an overview of reports received, reports receiving office or field investigations, reports substantiated, and reports pending.

**Figure 1 Maltreatment and Abuse Reports and Investigations by Fiscal Years**



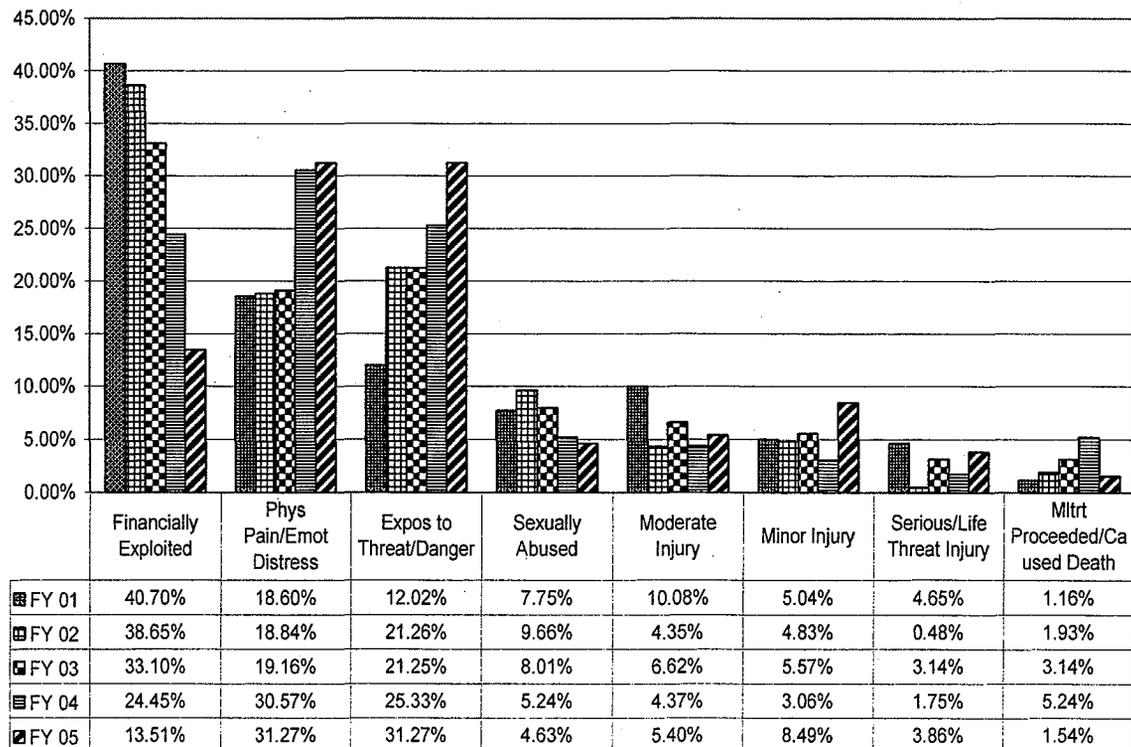
**B. Effect of Alleged Maltreatment on the Victim**

The Department tracks the effect of alleged maltreatment on the vulnerable adult or child victim by using the statutory definitions of maltreatment. Each report may include more than one allegation. There was an average of 1.25 maltreatment allegations per investigation in FY05. This means that there can be more than one effect on the vulnerable adult or child victim per each report assigned for field investigation. For example, it may be alleged that a vulnerable adult was both financially exploited and physically abused.

**Figure 2** shows the effect of maltreatment on the vulnerable adult or child victim in investigations completed and substantiated in FY01 through FY05. The comparison is given as a percent and compared with the total allegations substantiated. In FY04 there were 229 allegations substantiated and in FY05 there were 259 allegations substantiated. Trends include:

- The percent of allegations substantiated where the vulnerable adult or child victim received a serious or life threatening injury increased approximately two percent, from 1.75 to 3.86 percent.
- The percent of allegations substantiated where a vulnerable adult or child victim received a minor injury increased more than four percent, from 3.06 to 8.49 percent.
- The percent of allegations substantiated where a vulnerable adult or child victim received moderate injury increased approximately one percent, from 4.37 to 5.40 percent.
- The percent of allegations substantiated where a vulnerable adult or child was exposed to danger increased approximately six percent, from 25.33 to 31.27 percent.
- The percent of allegations substantiated where a vulnerable adult or child was caused physical pain or emotional distress increased approximately one percent, from 30.57 to 31.27 percent.
- The greatest decrease was the percent of allegations substantiated where a vulnerable adult was financially exploited; a decrease of approximately 11 percent, from 24.45 to 13.51 percent.

**Figure 2 Maltreatment Substantiated (Percent) by Effect on Victim by Fiscal Years**

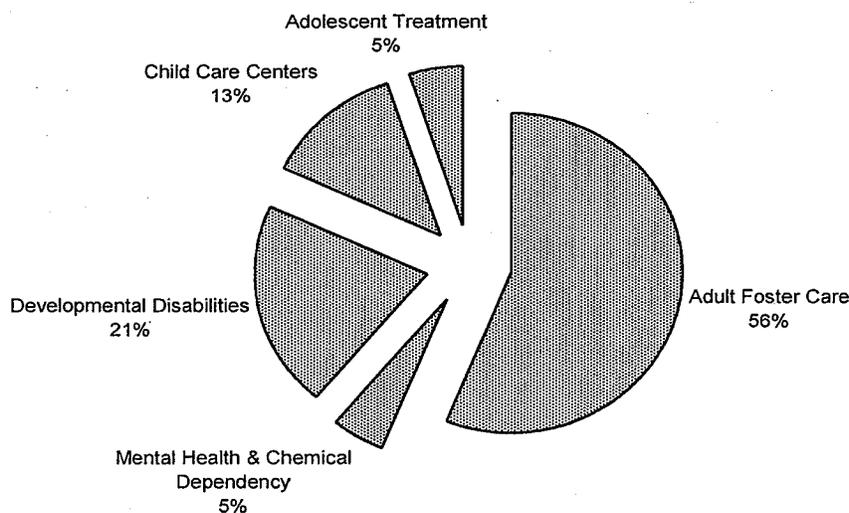


**C. Type of program/vulnerability of victim**

The data shows:

- Each year since FY02 the percentage of reports assigned for field investigation involving a vulnerable adult (as apposed to those involving a child) has increased. In FY02 approximately 66 percent of assigned reports involved a vulnerable adult and 34 percent involved a child. In FY05 82 percent of reports assigned for field investigation involved a vulnerable adult and 18 percent involved a child. This trend of an increasing percent of investigations involving vulnerable adults and a decrease in the percent of investigations involving children seems to be the result of the increase in the number of investigations involving a vulnerable adult's death.
- **Figure 3** below shows that in FY05 the number of reports assigned for field investigation was: child care centers - 13 percent; programs serving persons with developmental disabilities - 21 percent; adult foster care homes - 56 percent; programs serving persons with mental illness and chemical dependency five percent; and adolescent treatment programs - five percent. These numbers show an increase in the investigations assigned in adult foster care homes (from 48 percent in FY03 to 56 percent in FY05) and a decrease for programs serving persons needing mental health, chemical dependency, and adolescent treatment (from 16 percent in FY04 to 10 percent in FY05). The percent of investigations assigned in child care centers remained roughly the same (14 percent in FY04, 13 percent in FY05) and those assigned in programs serving persons with developmental disabilities increased slightly (19 percent in FY04 to 21 percent in FY05).

**Figure 3 Type of Programs Where Victim of Reports Assigned for Investigation Received Services (FY 05)**



#### IV. RESOLUTION OF INVESTIGATIONS

**Determinations:** Under the maltreatment reporting and investigations statutes and under the licensing statutes, various types of resolutions are possible at different stages of the investigation. These include an initial determination, a determination of whether maltreatment occurred, and a determination as to whether action is necessary to decrease the risk of recurrence of maltreatment.

##### A. Initial Determinations

The initial resolution of investigations includes one of the following five determinations:

- no jurisdiction because the event did not occur in a DHS licensed program;
- further investigation is not necessary because the event does not meet a statutory definition of maltreatment and does not represent a possible licensing violation;
- low risk because the vulnerable adult or child was not physically injured and risk of injury was low, often because the facility took action to reduce the risk of recurrence;
- the report is assigned for licensing field investigation; or
- the report is assigned for maltreatment field investigation.

Due to the potential seriousness of reports involving the death of a child or vulnerable adult if maltreatment or licensing violations preceded or caused a death, all reports involving a death have received at least a telephone investigation since FY99. Since the beginning of FY04 these reports have each been immediately assigned to a senior investigator for investigation and are counted with the reports assigned for maltreatment field investigation.

##### B. Did Maltreatment Occur

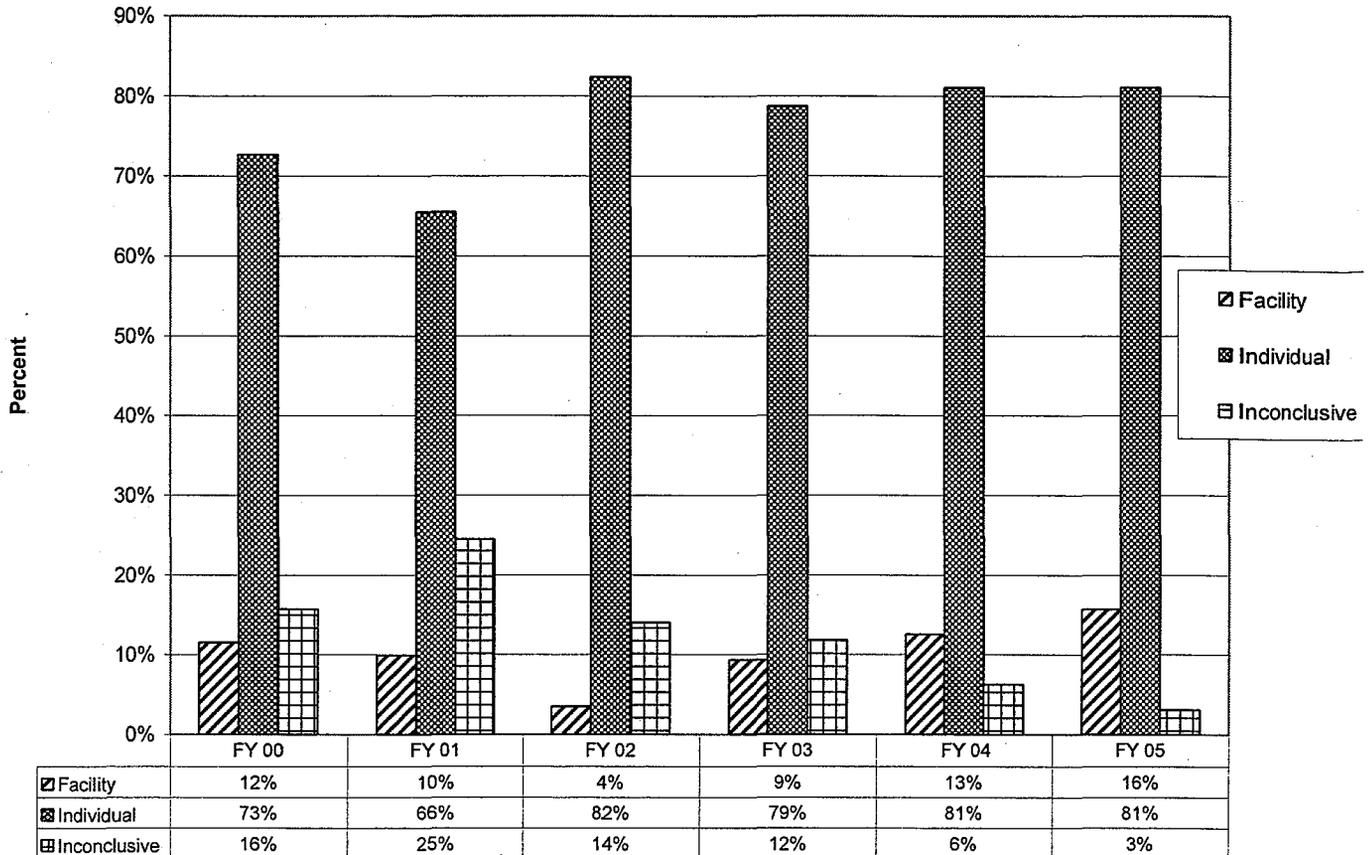
As stated earlier, each report assigned for field investigation will result in a determination of whether or not maltreatment occurred. If maltreatment occurred there is a determination of whether an individual(s) or facility was responsible for the maltreatment, whether the maltreatment was serious and/or recurring, and whether any action was necessary to reduce the risk of recurrence. The determinations of whether or not maltreatment of children occurred include: "maltreatment determined" or "maltreatment not determined." Determinations for vulnerable adult maltreatment include: "substantiated," "inconclusive," "false," or "no determination will be made."

A review of **substantiated reports and allegations** shows the following:

- Prior to FY02 the percent of assigned reports that were substantiated had remained relatively stable, averaging 26 percent. In FY02 the percent of substantiated reports declined to 20 percent. After an increase in the percent of reports substantiated in FY03, to 29 percent, the percent of substantiated reports decreased to 22 percent in FY04, and remained similar at 23 percent in FY05. See **Figure 1** on page 6.
- A review of data for FY03 through FY05 shows that the percent of investigations that determined a facility was responsible for substantiated maltreatment has been increasing slightly (FY03 9.4 percent, FY05 16 percent); the number of investigations that determined an individual was responsible for maltreatment has been

approximately 80 percent for the past 3 years; and since FY02 the number of reports where responsibility was inconclusive has been declining, to a low of three percent in FY05. See figure 4 below.

**Figure 4 Responsibility for Substantiated Maltreatment**



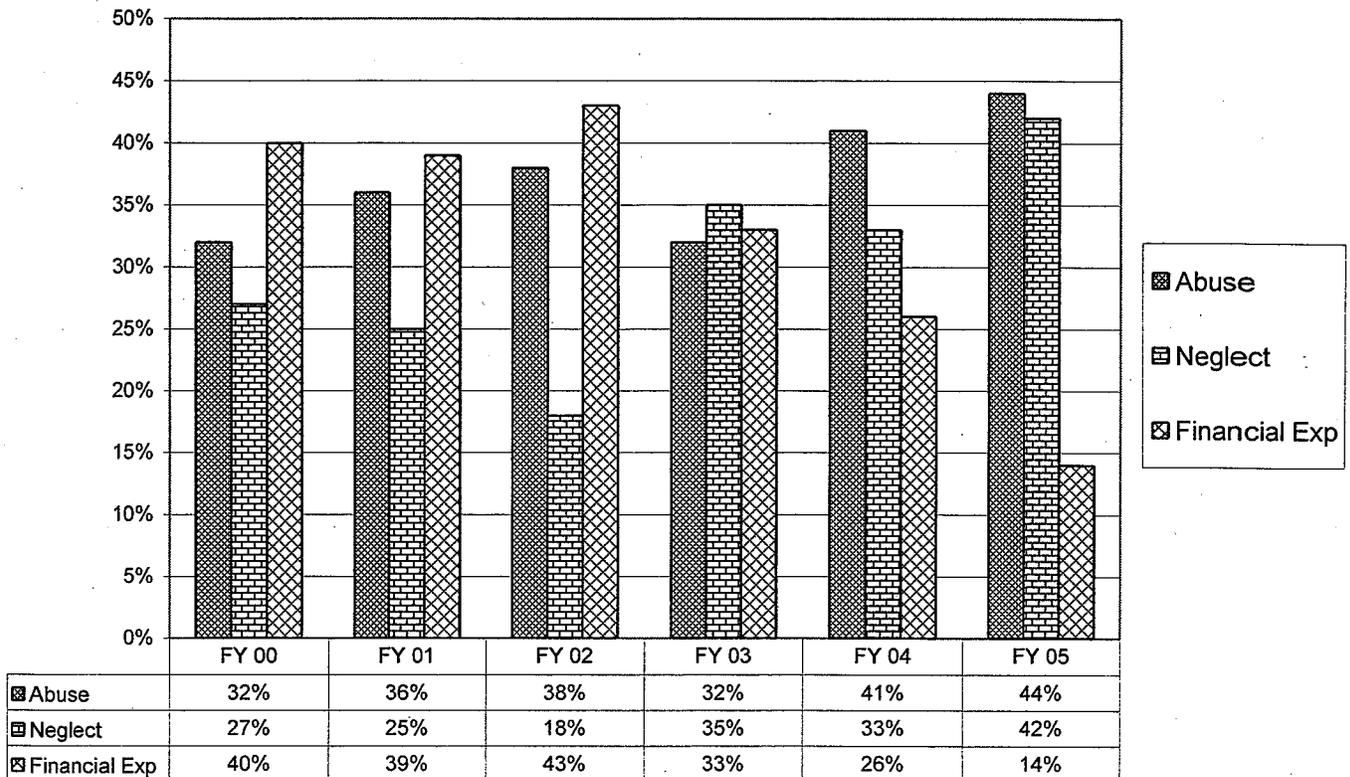
**Source Data for Figure 4 - Number of Investigations Substantiated and Responsibility**

Fiscal Year	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Investigations substantiated	138	177	84	205	154	196
Allegations substantiated	260	302	142	320	222	254
Facility responsible	30	30	5	30	28	40
Individual responsible	189	198	117	252	180	206
Inclusive	41	74	20	38	14	8

- **Figure 5** shows that over the past six fiscal years the percent of investigations that substantiated:
  - abuse increased each year with the exception of FY03;
  - neglect increased nine percent in FY05; and
  - financial exploitation decreased each year from FY00 through FY05.

- Of FY05 substantiated maltreatment, abuse comprised 44 percent of the total allegations, while neglect allegations were 42 percent, and financial exploitation allegations were 14 percent of the total cases.

Figure 5 VAA and MOMA Allegations Completed and Substantiated by Percent



**C. Was Action Necessary to Decrease the Risk of Recurrence?**

The focus of this section is on the resolution of reports assigned for further investigation where DHS determined that maltreatment occurred, and investigations where there was a determination that some type of action was necessary to reduce the risk of recurrence. Possible actions taken to reduce the risk of recurrence of maltreatment are authorized under Minnesota Statutes, chapter 245A and 245C and include: disqualification of an individual from the provision of direct care to persons served in programs licensed by DHS, the Department of Health, the Department of Corrections, and Personal Care Provider Organizations; issuance of a citation(s) ordering a facility to correct a licensing violation; or issuance of a negative licensing action (fine, conditional license, suspension or revocation of license). The following actions have been taken by DHS following maltreatment investigations:

**Disqualifications:<sup>1</sup>**

From FY00 through FY04 investigations resulted in an average of 53 individuals per year being determined responsible for serious and/or recurring maltreatment and disqualified from direct contact with persons served by licensed programs. Approximately nine percent of field investigations completed resulted in the disqualification of an individual. In FY05 66 individuals were disqualified, approximately eight percent of field investigations completed resulted in the disqualification of an individual.

**Licensing actions**

Correction orders and citations:

- In FY03 there were 140 citations for rule violations following maltreatment investigations.
- In FY04 there were 83 citations issued for rule violations.
- In FY05 there were 106 citations issued for rule violations.

Negative actions:

- In FY03 there were 17 negative licensing actions taken following maltreatment investigations.
- In FY04 there were 29 licensing actions, including fines, taken immediately following maltreatment investigations. There were also approximately 16 additional actions taken on adult foster care licenses after appeals of the maltreatment finding.
- In FY05 there were 49 negative licensing actions taken following maltreatment investigations. This included fines to 57 licenses, revocation of 6 licenses, and 13 orders of conditional license.

In summary, in FY05, as a result of maltreatment investigations, DHS disqualified a higher number of individuals, issued more negative licensing actions than in previous fiscal years, and issued more citations than in FY04.

**D. Appeals**

Every decision regarding maltreatment and every decision regarding consequences for maltreatment made by DHS following completion of an investigation is subject to review and appeal. A vulnerable adult, a vulnerable adult or child's designee, a substantiated individual perpetrator, or a substantiated facility may ask for reconsideration of the investigation's determination of whether maltreatment occurred. The Division of Licensing responds to each request for reconsideration received. If, after this administrative reconsideration, DHS does not change the finding, the substantiated perpetrator may request an administrative hearing. This administrative hearing is available to substantiated perpetrators only, whether they are individuals or facilities. The victim, victim's designees, or a child's parent or guardian may request review by a maltreatment review panel. The maltreatment review panel may make recommendations to the investigation agency. Minnesota Statutes 245A.08 was changed during the 2005

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<sup>1</sup> Information previously reported in this section was inaccurate due to a technical issue. The number previously reported as individuals disqualified each year was actually the number of decisions made on disqualified individuals during the year. For example, an individual was counted both when a disqualification decision was made and when a decision was made whether to set-aside the disqualification

session to allow a hearing without reconsideration by DHS when both a maltreatment finding and a licensing action are appealed.

**COMPLETED RECONSIDERATION AND APPEALS  
OF MALTREATMENT DETERMINATIONS**

Fiscal Year	Reports Completed	Findings	Reconsiderations		Appeal Hearings	
			Total Completed	Maltreatment Reversed	Total Completed	Maltreatment Reversed
1998	635	N/A	68	2	8	2
1999	631	1033	54	2	22	9
2000	602	1122	48	4	13	5
2001	671	1226	67	3	7	1
2002	425	692	54	1	6	2
<b>5 Yr Total</b>	<b>2964</b>	<b>4073</b>	<b>291</b>	<b>12</b>	<b>56</b>	<b>19</b>
2003	715	1010	62	2	11	5
2004	690	748	46	0	16	6
2005	840	975	25	2	21	5

There were approximately 50 reconsideration requests and 11 hearing requests pending at fiscal year end and approximately 25 to 28 hearing requests pending at calendar year end. The increase in funding provided during the last session will allow DHS to respond more quickly to the requests for reconsideration.

Considering the pending requests for reconsiderations, there was a similar percent of investigation findings appealed in FY04 and FY05. For one reconsideration there was no request for reconsideration but the investigator received information regarding the admission of acts by a staff person that met a definition of maltreatment. Twenty four percent of hearings resulted in a change in the finding.

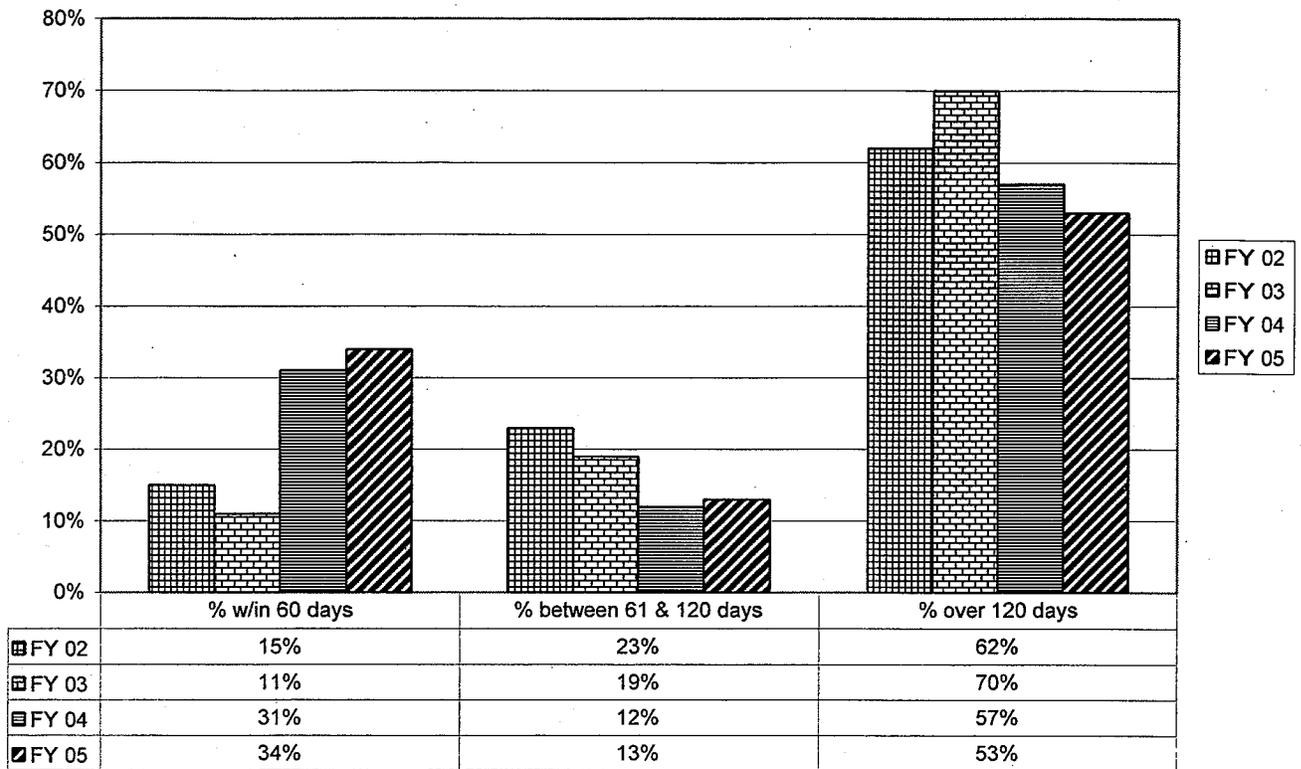
**V. WHETHER AND WHERE BACKLOGS OF CASES RESULT IN A FAILURE TO CONFORM WITH STATUTORY TIME FRAMES**

DHS continues to meet statutory timelines in assessing reports of alleged maltreatment within 24 hours, determining an initial disposition within five days, and providing notification of the initial disposition to reporters of alleged maltreatment within five days.

Although the VAA has required that investigations be completed within 60 days since 1995, DHS has not been able to meet this timeline for all investigations. In FY02 through FY05 investigations were completed within the following timelines:

[See Figure 6 on the following page]

Figure 6 Maltreatment Investigations - Percent Completed within Various Timelines



In FY04 and FY05 the average time to complete investigations decreased by approximately one month each year. FY03 was slightly over ten months; FY04 approximately nine months; FY05 approximately eight months. As the chart above demonstrates, the percent of investigations completed within 60 days has been increasing each year since FY02 and the percent completed in more than 120 days has decreased each year. It continues to be a struggle to balance completion of the oldest investigations with the completion of current investigations.

The number of pending investigations increased each year since FY98 except FY03 and FY05. FY03 had a high number of completed reports which resulted in a reduction in the pending reports by 39 reports. Unfortunately, in FY04 the number pending increased by 59 to 540. In FY05 the number of pending returned to 482. Although resources were increased in FY02, the increase in resources was not adequate to respond to the previously mentioned staff turnover, high number of reports received and assigned, a strike, hiring freezes, and the number of already pending investigations. Assuming minimal increase in the number of reports received and assigned, and minimal staff turnover, the increase in funding received in FY05 will provide for the gradual completion of the pending investigations. All investigators were idled, however, during the Minnesota government shutdown between July 1 and July 11, 2005.

Once the pending investigations are completed, DHS will be able to meet statutory timeframes.

## **VI. WHERE ADEQUATE COVERAGE REQUIRES ADDITIONAL APPROPRIATIONS AND STAFFING**

DHS Division of Licensing completed significant work to maximize the utilization of the increased resources received in FY02. This work included the centralization of report intake functions, restructuring of duties within the division, and the hiring of additional investigators. This centralized intake unit now receives, processes, assesses, and assigns all reports of alleged maltreatment, reports of deaths of consumers, and licensing violations received by DHS. Additional computer system modifications and other technological solutions to enhance and standardize data collection for managing workflow and for performance reporting continue to be developed and refined.

Each report received is prioritized for investigation, according to standardized criteria, based on the potential risk of harm to vulnerable adults or children, and the reports with the greatest harm and/or highest risk of harm are assigned for field investigation first. During FY04 and FY05 this careful initial investigation resulted in:

- an increase in the number of reports assigned for maltreatment field investigation;
- a decrease in the number of non-maltreatment phone investigations; and
- an increase in the number of completed field investigations of allegations of abuse and neglect, and a decrease in the number of completed investigations of financial exploitation.

The Governor's budget recommendation for FY05 included funding for six investigators. A seventh position was also in the budget to respond to increased investigation duties resulting from new regulations for all residential services for children in out-of-home placement. Some of the county responsibility for investigation of alleged maltreatment in facilities licensed by the Department of Corrections transferred to DHS, Division of Licensing in FY05. The additional positions will enable DHS to reduce the number of pending investigations, thereby enabling the more timely completion of investigations. With the increased positions, a more reasonable expectation of 36 investigations rather than 50 investigations per investigator per year will be implemented. As stated above, the complexity of investigations is ever increasing, and duties include defending decisions under appeal. Significant time will be spent in appeals when the pending hearings are conducted. In addition, DHS will be able to gradually increase the number of reports assigned for field investigation.

DHS and the Division of Licensing remain committed to the effective and efficient utilization of resources, the thorough and objective investigation of reports of alleged maltreatment, and timely action to prevent recurrence of maltreatment.