Improving Minnesota's Vulnerable Adult Maltreatment Review Panel

2025 Final Report

Prepared for the Minnesota Department of Human Services

By Rise Research

Table of Contents

Executive Summary **3**

Introduction **4**

Overview of Maltreatment Reporting and Investigation in Minnesota **5**

The Vulnerable Adult Maltreatment Review Panel **7**

What is the Policy Aim of the Review Panel? **9**

Is the Review Panel Achieving its Policy Aim(s)? **12**

Recommendations **14**

Conclusion **20**

Appendix A. Vulnerable Adult Maltreatment Review Panel Statute **21**

Appendix B through Appendix E included as attachments **24**

List of Tables and Figures

Table 1. Overview of Recommendations **5**

Table 2. LIA Determinations and LIA Reconsiderations (2023) **7**

Table 3. Description of Recommendations, Rationale, and Implications for APS **18**

Figure 1. Review Panel Reconsiderations and Outcomes, 2015-2024 ..... **9**

Executive Summary

The Minnesota Department of Human Services (DHS) aims to better understand the current role of the Vulnerable Adult Maltreatment Review Panel (Review Panel) and to explore opportunities for improvement. To support this effort, DHS engaged Rise Research to conduct a comprehensive research study and identify areas where the Review Panel could be updated or enhanced. This report presents the project's findings and recommendations.

To summarize key findings, the empirical data yield limited insights about the Review Panel's efficacy or clear areas for improvement. The small number of cases reviewed by the Review Panel each year make it difficult to discern patterns or assess whether the Review Panel is effective in meeting the needs of those who request review. No other state has a policy process or structure similar to Minnesota's Review Panel and few studies examine the efficacy of mechanisms for investigating and reviewing determinations of abuse and neglect in vulnerable adult populations in the United States.

The data do, however, suggest that there are different understandings of the Review Panel's policy aim, which has implications for recommended areas for improvement. Different interpretations of its policy aim lead to different conclusions regarding the Review Panel's ability to meet the needs of vulnerable adults as well as distinct recommendations for improvement. The table below lists the key recommendations based on the different understandings of the Review Panel's policy aim.

#	Recommendations
1	Provide accessible information on the Review Panel's structure, process, and outcomes on state and county Adult Protective Services websites
2	Collect data on the experiences of vulnerable adults who request and receive reconsideration by the Review Panel.
3	Increase the opportunities and methods available for a vulnerable adult to share their perspective prior to Review Panel reconsideration
4	Increase the opportunities and methods available to communicate information to the vulnerable adult regarding the Review Panel's conclusion
5	Give the Review Panel the authority to overturn an lead agency determination
6	a. Eliminate the Review Panel, grant vulnerable adults access to the DHS fair hearings process, *and* provide a vulnerable adult with support to navigate the fair hearings process, OR b. Eliminate the Review Panel

Introduction

The Minnesota Department of Human Services (DHS) is seeking to better understand the current role of the state's Vulnerable Adult Maltreatment Review Panel (Review Panel) and to identify opportunities for improvement. The Review Panel provides a formal mechanism through which a vulnerable adult or party representing them can request an independent review of the decision reached following an investigation into an allegation of maltreatment of the adult. While the Review Panel has the potential to improve oversight on behalf of vulnerable adults, there are concerns that it currently falls short in providing a meaningful and person-centered opportunity for adults who are vulnerable.

To support this effort, DHS engaged Rise Research to conduct a comprehensive research project and identify evidence-informed recommendations for improvement. This report presents a high-level summary of the research findings and recommendations.

Key research questions explored in this study include:

1. What is the role of the Review Panel within Minnesota's larger system for responding to allegations of vulnerable adult maltreatment?
2. Is the Review Panel effective in meeting the needs of vulnerable adults in Minnesota with respect to process and outcomes? Why or why not?
3. What states have effective models for reporting and contesting cases of adult maltreatment, both with respect to effectiveness of outcomes and person-centered processes, and what do those models look like?
4. How might the Review Panel be improved to better address the needs of vulnerable adults?

The mixed-method research design incorporates an analysis of quantitative data from Minnesota Adult Protective Services (APS) and the Review Panel, review of relevant documentation, interviews with key stakeholders, and a county-level survey of Minnesota APS agencies. A cross-state analysis includes an in-depth examination of state statutes, administrative rules, and policy documentation in the 50 states and the District of Columbia.[1] The project also incorporates a review of research and gray literature on policy responses to vulnerable adult maltreatment in the United States and internationally.

The empirical data yield limited insights about the Review Panel's efficacy or areas for improvement. The small number of cases reviewed by the Review Panel each year make it difficult to discern patterns or assess whether the Review Panel is effective in meeting the needs of those who request review. No other state has a policy process or structure similar to Minnesota's Review Panel. In addition, few studies examine the efficacy of mechanisms for investigating and reviewing determinations of abuse and neglect in vulnerable adult populations in the United States.[2]

The data do, however, suggest that there are different understandings of the Review Panel's policy aim, which has implications for recommended areas for improvement. Specifically, the statute establishing the Review Panel identifies a narrow policy aim, while the historical record suggests a broad policy aim. Different understandings of its policy aim lead to different conclusions regarding the Review Panel's ability to meet the needs of vulnerable

[1] Appendix D lists the primary statutes reviewed in the cross-state analysis.
[2] Previous reports, included as appendices to this report, provide more detail on Minnesota's system for responding to allegations of maltreatment as well as policies across states.

adults as well as distinct recommendations for improvement. Because the evidence does not elevate one understanding over another, the report presents recommendations based on both narrow and broad understandings of the Review Panel's policy aim.

Recommendations are presented in the table below. The first four recommendations rely on a narrow interpretation of the Review Panel's policy aim, while the last two recommendations rely on a broad interpretation of its policy aim. Recommendations 1-5 maintain the underlying structure of the Review Panel while Recommendation 6 eliminates or replaces the Review Panel and is offered as an alternative to the first five recommendations.

Table 1. Overview of Recommendations

#	Recommendation
1	Provide accessible information on the Review Panel's structure, process, and outcomes on state and county APS websites
2	Collect data on the experiences of vulnerable adults who request and receive reconsideration by the Review Panel.
3	Increase the opportunities and methods available for a vulnerable adult to share their perspective prior to Review Panel reconsideration
4	Increase the opportunities and methods available to communicate information to the vulnerable adult regarding the Review Panel's conclusion
5	Give the Review Panel the authority to overturn an LIA determination
6	a. Eliminate the Review Panel, grant vulnerable adults access to the DHS fair hearings process, *and* provide a vulnerable adult with support to navigate the fair hearings process, OR b. Eliminate the Review Panel

The report proceeds as follows. The next section provides background on Minnesota's system for reporting and investigating vulnerable adult maltreatment. The third section examines varying interpretations of the Review Panel's policy aim and the implications for the efficacy of the Review Panel. The fourth section discusses the evidence for efficacy based on different understandings of the Review Panel's policy aim and the fifth section discusses recommendations. The final section summarizes the analysis and concludes.

Overview of Maltreatment Reporting and Investigation in Minnesota

The Review Panel must be understood within the context of Minnesota's larger system for reporting, investigating, and responding to vulnerable adult maltreatment. Minnesota's Vulnerable Adults Act (VAA), enacted in 1980, provides the statutory framework for protecting adults who, due to disability, illness, or other conditions, are

unable to care for themselves without assistance. The protective system established by the VAA is complex, involving multiple agencies with differing responsibilities for reporting, investigating, and responding to allegations of abuse, neglect, and financial exploitation of adults who are vulnerable.

The VAA designates the Department of Health (MDH), Department of Human Services (DHS), and county social service agencies as the lead investigative agencies (LIAs) responsible for investigating and responding to reports of vulnerable adult maltreatment. [3] Statute also specifies the duties of county agencies in providing protective services to adults who are vulnerable (Minn. Stat. 626.557 2024). Most reports are assigned to county Adult Protective Services (APS) agencies, which have a dual role of investigating maltreatment claims and providing protective services to vulnerable adults. In 2024, there were 66,526 reports of suspected maltreatment of vulnerable adults made to the state's centralized entry point for reporting adult maltreatment. During this year, 60 percent of maltreatment reports were assigned to county agencies.

Not all reports are investigated. Approximately 20 percent of reports of suspected adult maltreatment (just under 13,300) were accepted for investigation in 2024 (Minnesota Department of Human Services, 2025). Each lead agency is responsible for investigating reports of maltreatment under its jurisdiction and rendering a final decision indicating whether the report of maltreatment either occurred (substantiated) or was false (unsubstantiated), determined by a preponderance of the evidence. If there is less than a preponderance of evidence to arrive at a conclusion regarding the allegations of maltreatment, the disposition is inconclusive.[4] There are considerable differences in the distribution of substantiated, unsubstantiated, and inconclusive determinations across the three LIAs.[5]

Following a determination, either an alleged perpetrator or vulnerable adult may contest a lead agency determination – a process referred to as LIA reconsideration. Statute outlines the general timing and process for requesting reconsideration. In practice, there is variation in the reconsideration process across the three lead agencies. Table 2 shows that only a small number of determinations receive a request for LIA reconsideration; of these, a minority are from a vulnerable adult or party representing them.

[3] Maltreatment reports involving individuals or facilities licensed by the MDH are investigated by that agency. Reports involving individuals or facilities licensed by DHS are investigated by that agency All other reports are referred to the social services agency in the county where the adult was located at the time of the report. These include reports that involve allegations of maltreatment by a person who is not a provider or employee of a facility or service/program required to be licensed by MDH or DHS - such as a family member, friend, or personal care provider.

[4] No determination is made for assessments of self-neglect, if the individual is not a vulnerable adult, or if an investigation is not possible (Minnesota Department of Human Services, 2024a, pp.78-79).

[5] See Appendix B for more information on differences across lead agencies with respect to investigative authority, process of investigation, and types of maltreatment investigated.

Table 2. LIA Determinations and LIA Reconsiderations (2023)

Determination type	County APS	MDH	DHS	Total
Number of determinations[6]	10,369	1,140	1,055	12,564
Number of inconclusive or false determinations	5,336	826	780	6,942
Number of LIA reconsiderations	*Not Available*[7]	50 total 6 from VA	17 total 4 from VA	*Not Available*

Source: (Minnesota Department of Human Services 2024b); Additional data provided by staff from MDH, DHS, and State APS Office.

Following LIA reconsideration, the options for appeal or reconsideration differ. Individuals and facilities who have been determined to be responsible for adult maltreatment (perpetrators) have several appeal options that vary in part based on the severity of maltreatment and consequences involving licensing and disqualification. Vulnerable adults or their representatives (vulnerable adults) have the option of requesting that the Review Panel conduct an administrative review of the LIA's maltreatment determination. The next section provides an overview of the Review Panel and its structure and operation.

The Vulnerable Adult Maltreatment Review Panel

Within Minnesota's broader system for reporting and investigating maltreatment, the Review Panel provides a mechanism through which a vulnerable adult can request an independent review of an investigatory decision made by MDH, DHS, or an APS agency (Minn. Stat. 256.021 2024).[8] It is a mechanism that is unique across the United States: no other state has a process or structure explicitly dedicated to providing vulnerable adults a secondary level of review of a maltreatment decision.[9]

Statute establishes much of the Review Panel's structure and operation, including its membership, procedure for reviewing and responding to requests from vulnerable adults, and process for issuing decisions. Membership of the Review Panel is multidisciplinary, consisting of representatives from the Minnesota Department of Health and Department of Human Services; offices of the Ombudsman for Long-term Care and Ombudsman for Mental Health and Developmental Disabilities; Board on Aging, and Minnesota Association of County Human Services Administrators (Minn. Stat. 256.021, Subd. 1) Membership tenure on the Review Panel varies, from 1-2 years to

[6] Total number of determinations includes "no determination" decision.
[7] While data are unavailable for county APS agencies, survey data suggest relatively few requests for reconsideration. Among counties that responded to the survey, the approximate number of requests for reconsideration over the past two years ranged from 0 to 23. Of these, the approximate number from a vulnerable adult or interest party ranged from 0-8.
[8] See Appendix B for more information on the Review Panel's role in Minnesota's broader system for reporting, investigating, and responding to vulnerable adult maltreatment.
[9] See Appendix E for additional information on cross-state policies related to review and/or appeal of an APS-led maltreatment determination.

over 10 years. Current members of the Review Panel are relatively new to their roles, with 6 of 7 members having been appointed after 2022 (Minnesota Department of Human Services, various years).

Review Panel meetings are held quarterly. If a request is found to be within the Review Panel's scope, an administrative review is conducted at the next quarterly meeting. Panel members consider the request for review, the LIA's investigation memorandum explaining the determination, and any other data that is relevant to the Review Panel's decision. No new information is collected or considered, outside the information provided by the vulnerable adult as part of the request to review. If the Panel Review agrees with the LIA's determination, it notifies the LIA and vulnerable adult who requested the review of the decision within 30 days of completing the review (Minn. Stat. 256.021, Subd. 2).

If the Review Panel concludes that reconsideration by the LIA is warranted, it issues a recommendation that the LIA reconsider the determination. The recommendation includes specific reference to the facts, definitions, application of responsibility, and/or weighing of evidence with which it disagrees. Following a recommendation from the Review Panel, the LIA must conduct a review and report back to the Review Panel with its final determination and rationale. The LIA is not required to change its determination following a request from the Review Panel (Minn. Stat. 256.021, Subd. 2).

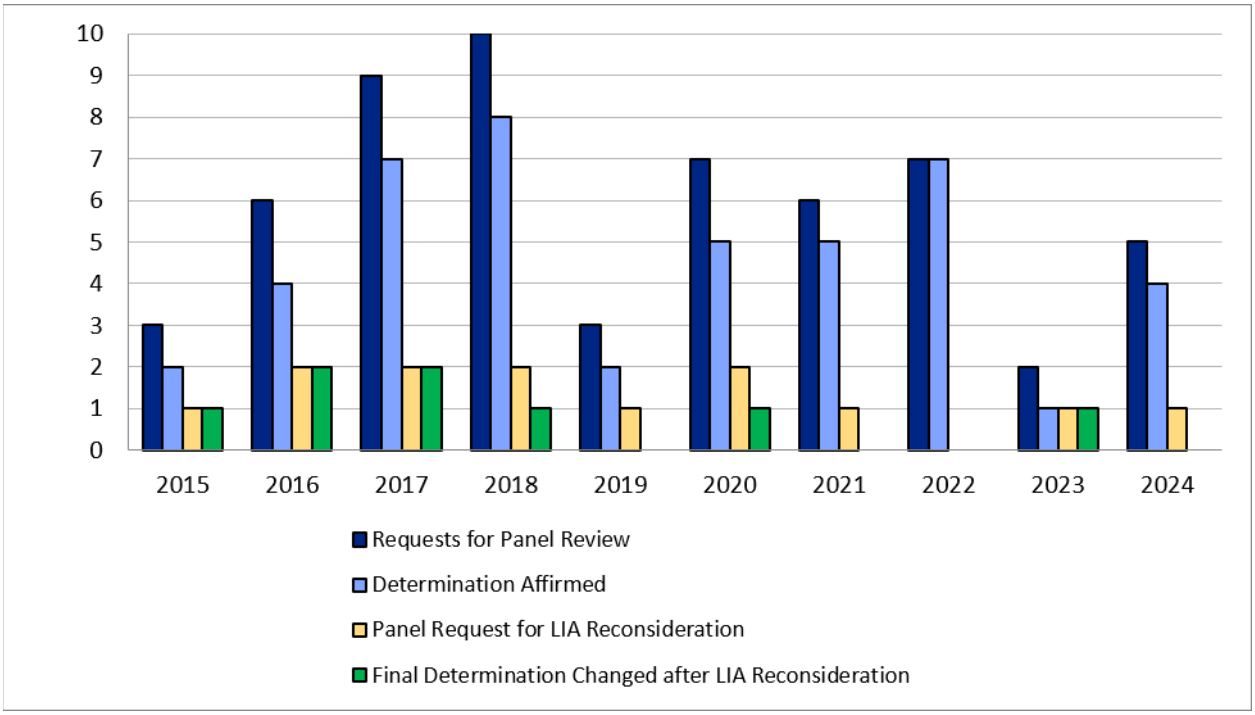
Interviews with stakeholders suggest that the process of collecting and reviewing information from the LIA works relatively smoothly. While the LIA may send more information than relevant to the Review Panel's reconsideration, only pertinent information is forwarded to Review Panel members. Documents are reviewed prior to the quarterly meeting, and the Review Panel Coordinator helps to focus conversations on the topics that are salient to the reconsideration. The number of requests is small enough that quarterly meetings provide sufficient time to review requests and issue decisions.

The reconsideration process ends when the Review Panel communicates its decision in writing to the adult who is vulnerable regarding its determination and the determination of the LIA (when applicable). The Panel Review has the authority but is not required to communicate with the requester via additional methods, such as over the phone or in person.

The Review Panel reconsiders a small number of cases each year. Between 2015 and 2024, the Review Panel reviewed 58 lead agency decisions, ranging from a low of 2 to a high of 10 each year. During these years, approximately 40 percent of reviews (N=23) were from cases in which the county was the lead agency, 38 percent (N=22) from cases in which MDH was the lead agency, and 22 percent (N=13) from cases in which DHS was the lead agency.

Of the decisions reached by the Review Panel, the majority affirm the LIA's determination. Figure 1 shows the total number of reconsideration requests (dark blue bar), affirmed determinations (light blue bar) Review Panel requests to the LIA to reconsider its determination (yellow bar), and LIA changes following a Review Panel request (green bar). This figure shows that between 2015 and 2024, the Review Panel affirmed the LIA determination 45 times (78 percent of the time).

Figure 1. Review Panel Reconsiderations and Outcomes, 2015-2024



Source: Minnesota Department of Human Services, various years

Only small percentage of decisions result in a request to a lead investigative agency to reconsider its final determination. Figure 1 shows that between 2015 and 2024 the Review Panel asked that a lead agency to reconsider its final determination only 13 times (22 percent). As noted previously, the lead investigative agency is not bound by statute to comply with the Review Panel's request for reconsideration. However, of the 13 cases in which the Review Panel requested agency reconsideration, eight resulted in a changed final determination (62 percent).

It is clear that the Review Panel is asked to reconsider only a small number of determinations each year, and the outcome of the reconsideration affirms the lead agency determination the vast majority of the time. However, the small number of annual requests for Review Panel reconsideration alongside limited data on the vulnerable adult's experience make it difficult to draw conclusions about whether the Review Panel is effectively carrying out its work or the experience of the vulnerable adult. The next section therefore turns to a discussion of the Review Panel's intended policy aim and evidence of its ability to provide a meaningful and person-centered opportunity for vulnerable adults given its aim, structure, and operation.

What is the Policy Aim of the Review Panel?

The data suggest that there are different interpretations of the Review Panel's policy aim, which refers to the desired outcome that the Review Panel is designed to achieve. The statute that establishes the Review Panel suggests a narrow policy aim, while the historical record suggests a broad policy aim. In addition, administrative

policy and practice elevate a set of expectations regarding how the Review Panel ought to engage with adults who are vulnerable. This section discusses varying interpretations of the Review Panel's policy aim and the implications for recommended areas for improvement.

Minnesota statute establishes the Review Panel with the purpose of "reviewing lead investigative agency determinations regarding maltreatment of a vulnerable adult," in response to requests received from a vulnerable adult or party representing them, according to the procedure outlined in the Minn. Stat. 626.557, subdivision 9d, paragraph (b) of the Vulnerable Adult Act (Minn. Stat. 256.021 2024). Statute outlines the process through which a vulnerable adult or party representing them can access this level of review, as well as the composition of the panel and procedures for reviewing maltreatment determinations and issuing a decision. The desired outcome of the process is an independent assessment of the lead agency's decision as to whether the facts gathered by the agency support a determination that the incident reported met the statutory definition of maltreatment. ***Existing statute thus suggests a narrow policy aim of assessing the lead agency's decision, based on the facts gathered by the lead agency.***

Yet there is evidence to suggest that the intended aim of the Review Panel is broader. According to historical records, the Review Panel was created to provide an additional layer of review for vulnerable adults similar to the appeals structure available to those determined to have committed maltreatment. Prior to the creation of the Review Panel, vulnerable adults had no ability to challenge a maltreatment determination with an entity other than the lead agency investigating the claim. In contrast, individuals and facilities found to have committed maltreatment against a vulnerable adult were able to appeal the determination by requesting a fair hearing from the Department of Human Services (DHS). As noted by Senator Allan Spear, author of the bill creating the Review Panel (S.F.3208):

> "[A] person charged with mistreating a vulnerable adult under the act can appeal a finding, but that there is not a similar appeal option for a person who files a complaint on behalf of a vulnerable adult. …[T]he only recourse for the dismissal of a complaint is to go back to the investigating agency, which can be frustrating for the plaintiff" (State of Minnesota Senate Publications, 2000, pp.25-26).

Senate records describe the Review Panel as modeled after DHS's administrative fair hearings process but structured to provide a "less formal and less legalistic" review process relative to the courts (State of Minnesota Senate Publications, 2000, pp.25-26).

There are several different reconsideration and appeal options for individuals and facilities who have received a substantiated maltreatment determination, based in part on the severity of the maltreatment claim as well as consequences for the perpetrator. Fair hearings are available to any individual or facility that is determined to have maltreated a vulnerable adult after they request and receive administrative reconsideration by the lead investigative agency (Minn. Stat 256.045, Subd. 3) or if the lead agency denies a reconsideration request or fails to act upon the request within a certain amount of time (Minn Stat. 626.557, Subd. 9d).[10]

[10] While the statute governing Minnesota administrative and judicial review of human service matters (Minn. Stat. 256.045) states that "any individual or facility determined by a lead investigative agency to have maltreated a vulnerable adult under section 626.557" has the right to a state agency hearing (Subd. 3, (4)), this right is *not* specified in the statute governing the reporting of maltreatment of vulnerable adults, unless a lead investigatory agency denies or fails to act upon a reconsideration request (Minn. Stat. 626.557). The maltreatment statute is, however, explicit in specifying appeal rights to perpetrators contesting more serious claims of maltreatment, disqualification, and license denial or revocation. It is not clear to the research team whether the absence of language granting appeal rights to any perpetrator with a substantiated maltreatment claim in the maltreatment statute (Minn. Stat. 626.557) negates or adds additional requirements to the appeal rights that are articulated in the administrative and judicial review statute (Minn. Stat. 256.045). However, individuals and facilities who are found to have maltreated a vulnerable adult who also receive a disqualification, license revocation, or other licensing penalty have the option

There are additional appeal options for individuals and facilities who are contesting more significant claims of maltreatment and have received a license denial or licensing sanction (Minn Stat. 626.557, Subd. 9d. (f)). In these instances, perpetrators are entitled to a contested case hearing, which offers individuals and businesses the right to appeal an agency decision that directly and adversely affects them. The availability of a contested case hearing likely reflects recognition of the consequences of maltreatment and disqualification or licensing decisions for perpetrators in these circumstances. In addition, perpetrators who have been determined responsible for maltreatment have the ability to appeal a substantiated maltreatment determination in district court (Minnesota Department of Human Services, 2024a, p87).

Administrative and district court hearings provide an opportunity to offer testimony, present new evidence, and call and cross-examine witnesses. The desired outcome of these processes is an independent assessment as to whether the facts support a determination that the incident reported meets the statutory definition of maltreatment. This outcome is broader than the outcome associated with an administrative review because it allows additional facts to be considered as part of the assessment. However, the assessment of whether the facts support a determination that the incident reported meets the statutory definition of maltreatment is similar across the two policy aims. ***The historical record thus suggests a broad policy aim of assessing the lead agency's decision, based on the facts gathered during the lead agency investigation and/or presented following the lead agency determination.***

Finally, while not detailed in statute, administrative policy and practice elevate a set of guidelines and expectations the Review Panel's engagement with adults who request reconsideration of a maltreatment determination. Of particular importance is person-centered practice, defined as "an orientation to the delivery of services that considers an adult's needs, goals, preferences, cultural traditions, family situations, and values." Person-centered practice is one of the ethical foundations of practice recommended by the federal Administration for Community Living (ACL) National Voluntary Consensus Guidelines for State Adult Protective Services Systems (Administration for Community Living, 2020), also recognized by Minnesota's APS system.[11] Such guidelines establish expectations regarding attributes of the Review Panel's process and outcomes. Namely, both the process and the outcomes ought to be person-centered, or at the very least capable of considering a vulnerable adult's unique needs, goals, and preferences. ***Whether the Review Panel's policy aim is understood narrowly or broadly, best practice dictates that its engagement with a vulnerable adult be person-centered.***

Identifying recommendations for improvement requires an assessment of where, and in what ways, the Review Panel is falling short in achieving its policy aim. Perhaps unsurprisingly, this assessment differs for different understandings of the Review Panel's policy aim. The next section analyzes the evidence for Review Panel's efficacy based on the different understandings of its policy aim.

---

of appealing only the maltreatment determination. In addition, APS guidance states that a person determined responsible in a maltreatment determination has the right to appeal. Thus, in the absence of additional information, this analysis assumes that Minnesota law grants any perpetrator with a substantiated maltreatment determination who is deemed responsible the right to a state agency hearing, however atypical this may be in practice.

[11] Minnesota's APS system recognizes the importance of person-centered practice in its guiding value, which states that APS actions must balance the duty to protect the safety of a vulnerable adult with the adult's right to self-determination, as well as its practice guidelines, which emphasize the importance of an adult's personal preferences and values, independence and choice, and engagement in services.

Is the Review Panel Achieving its Policy Aim(s)?

If the policy aim of the Review Panel is defined narrowly, there is some evidence that the Review Panel is successfully fulfilling its aim. As discussed above, stakeholders interviewed as part of this project note few concerns about the Review Panel's current structure or operation. The available data suggests that the Review Panel is responding to requests in a timely manner, that panel members are able to review materials, and that panel discussions allow the Review Panel to reach a recommendation. Stakeholders express confidence in the Review Panel's assessment, and legislative reports indicate that lead agencies adopt the panel's recommendation in a majority of cases.

At the same time, there is limited information as to whether the small number of requests for reconsideration indicates a lack of awareness of the Review Panel's role or lack of demand for its services. Although information about the Review Panel is provided to a vulnerable adult in a LIA reconsideration letter, there is limited publicly available information on the Review Panel beyond statute and legislative reports. If a vulnerable adult does not understand or fails to see the information in the reconsideration letter, it is unlikely that they will be aware of this option. In addition, a lack of data limits an understanding of how vulnerable adults or their representatives perceive the Review Panel's effectiveness in providing a secondary level of administrative review.

If an additional aim of the Review Panel is to engage with a vulnerable adult in a person-centered way, there are several areas where the current Review Panel process falls short. Both the requirement that a request for reconsideration be submitted in writing and the policy/practice of communicating the Review Panel's decision in writing limit the extent to which the Review Panel is person-centered in communicating with a vulnerable adult or their representative. Although written communication may suffice for some vulnerable adults, others may have difficulty with written forms of communication due to cognitive impairments or vision limitations (Daly 2017). Letters written to and from the Review Panel are limited it that they do not allow opportunity for interaction, which may be necessary to clarify arguments or decisions, or mitigate the effects of unintentional biases about older or vulnerable adults (Jack et al. 2019). Notably, stakeholders interviewed as part of this project discussed instances of communicating information verbally to a vulnerable adult or their representative in response to questions, but such communication was in response to the adult or their representative rather than offered proactively by the LIA.

In addition, while the process grants rights to vulnerable adults that are not available in other states, the Review Panel exists within a system that emphasizes protection and reacting to cases of alleged maltreatment. This emphasis is tension with a person-centered model of service provision that balances a duty to protect a vulnerable adult's safety with that person's right to self-determination (National Adult Protective Services Association (NAPSA) 2025). This tension is particularly acute for county APS agencies, which have the role of investigating maltreatment claims and assigning blame, while providing services that aim to engage and support vulnerable adults. For the divisions within DHS and MDH that are responsible for investigating adult maltreatment, the process of investigating maltreatment, issuing determinations, assigning blame, and issuing consequences is consistent with their purpose as regulatory agencies. The Review Panel's focus on assessing the investigatory outcome is at odds with a model of service within APS that focuses less on the investigation or determination and more on the provision of person-centered services to stop, reduce, or prevent future maltreatment of a vulnerable adult.

If the policy aim of the Review Panel is defined broadly, then the Review Panel falls short in multiple ways.[12] Because the Review Panel is tasked with conducting an administrative review, its work does not involve interviewing the vulnerable adult or other witnesses or examining and cross-examining witnesses as in a hearing. Writing a letter to the Review Panel is the only contact the vulnerable adult has with the Review Panel before learning of the recommendation. This opportunity to be heard is qualitatively different than the opportunity afforded to alleged perpetrators of vulnerable adult maltreatment, who have more opportunities to express their perspectives or incorporate the perspectives of other individuals as part of the hearings process.[13]

Administrative review also offers a less robust challenge to a lead agency determination, relative to administrative or district court hearings. In addition, in the minority of cases in which the Review Panel recommends that an LIA reconsider its determination, it lacks the authority to compel a change. Both the structure of the review process and the lack of authority to compel a change in determination limit the extent to which the process is likely to result in a meaningful outcome for the vulnerable adult in terms of a change in the determination.

In addition, if the overarching intent is to assess whether the facts support a determination that the incident meets the statutory definition of maltreatment, offering the vulnerable adult a mechanism that is significantly more limited than that available to a perpetrator introduces inequities within the broader system for reviewing maltreatment determinations and may itself communicate a lack of respect towards the vulnerable adult. While the more robust options available to the perpetrator may relate to the severity of consequences for the perpetrator, the fact that the perpetrator can appeal a substantiated determination without appealing the consequence for licensing or disqualification suggest that the severity of direct professional consequences is not the only factor affecting appeal rights. Although the vulnerable adult is provided with a substitute review mechanism, it is more limited with respect to both process and outcomes. Such "substitute decision making" can reinforce systemic inequities that already fail accommodate and treat respectfully those with vulnerabilities (Wadiwel et al. 2022), p71).

Different interpretations of the Review Panel's policy aim thus elevate different shortcomings in its current structure and operation. A narrow understanding of the Review Panel's purpose highlights deficiencies in existing data and transparency. An emphasis on person-centered practice identifies shortcomings related to communication and the voice of the vulnerable adult in the Review Panel process. Such an emphasis also draws into focus the tension between the Review Panel's role and the person-centered service model adopted by APS agencies in Minnesota. Finally, a broad understanding of the Review Panel's purpose identifies the administrative review

[12] This analysis draws from an Australian research report published in 2022 that investigates complaint mechanisms as a tool for reporting maltreatment among adults with disabilities (Wadiwel et al. 2022). Complaint mechanisms are defined as non-judicial procedures that "allow individuals to report negative experiences and problematic conduct and policy; seek individual rectification; and, where appropriate, trigger system change" (Wadiwel et al., 2022, p3). The report builds from contemporary understandings of human rights and existing research on complaint mechanisms internationally and in Australia, including research on the lived experiences of adults with disabilities who have navigated complaint mechanisms. An important part of the report is a conceptual analysis of procedural justice and its relationship to complaint mechanisms for adults with disabilities. Procedural justice refers to the extent to which the processes in place for resolving disputes or making decisions are perceived as fair or just. While outcomes are important, research on procedural justice suggests that individuals also place a high value on processes that lead to an outcome (Tyler 2003). This research offers a useful framework for analyzing the Review Panel because it focuses on how a non-judicial complaint mechanism such as the Review Panel might be structured to promote meaningful and positive engagement with adults who are vulnerable. In addition, while the analysis itself is conceptual, the research that supports the analysis is based in part on empirical studies that attest to the importance of procedures that are experienced as just by those who engage them.

[13] Research on procedural justice finds that experiences that are perceived as "just" are often associated with an opportunity to seek review of a decision (review), a feeling that one's voice is heard (voice), that the process is unbiased and legitimate (neutrality; legitimacy), that individuals receive respectful treatment (respect). The process of engaging the Review Panel is limited with respect to voice, legitimacy, and respect.

process as problematic for achieving a meaningful assessment of the lead agency's determination, particularly relative to the processes available to persons determined to be responsible for adult maltreatment. The next section discusses the recommendations that arise from different understandings of the Review Panel's policy aim.

Recommendations

This section discusses recommendations for enhancing the Review Panel's ability to meet the needs of adults who are vulnerable in Minnesota. The section introduces the recommendation and explains the basis for the recommendation the implication for the system and/or vulnerable adult, as well as the implications for APS.[14]

The first four recommendations rely on a narrow understanding of the Review Panel's policy aim.

1. Provide accessible information on the Review Panel's structure, process, and outcomes on websites

There is limited publicly available information on the Review Panel or the process through which panel members reach decisions. In addition, LIA's provide limited information about the Review Panel in the maltreatment determination letter. The first recommendation is to provide accessible information about the Review Panel on state or county APS websites. This would increase transparency within the system and would likely increase knowledge among those seeking an independent review of an agency determination.

This change would require state-level actors at APS to develop and maintain information on the Review Panel on state-level websites, and local APS agencies to either host information or link to state-level websites on their websites.

2. Collect data on the experiences of vulnerable adults who request and receive reconsideration by the Review Panel.

A vulnerable adult or party representing them is perhaps best positioned to reflect on the efficacy of the Review Panel and areas for improvement. Unfortunately, no data exists on their experience outside of anecdotal reports. The second recommendation is to collect data on the experiences of adults who request and receive Review Panel reconsideration. Adults could be asked if they would be willing to share their perspectives, perhaps in a brief interview with the Review Panel coordinator or independent evaluator. This change would impose additional costs for APS staff associated with requesting feedback and conducting interviews if an independent evaluator was not available.

[14] Additional changes that were discussed but are not recommended in this report include the following: (A) Eliminating the Review Panel as an option following APS-led investigations while retaining it as an option following an investigation by MDH or DHS. This change is not recommended because it would increase inconsistencies across the system by creating different rights for adults who experience maltreatment in different types of settings. To maintain procedural fairness, a vulnerable adult who experiences abuse, neglect, or exploitation should have access to the same opportunities for review regardless of the setting in which they experienced the maltreatment. (B) Giving the Review Panel the authority to reinvestigate the maltreatment report. While this change would increase voice and legitimacy and enhance opportunities to convey respectful treatment, it is not recommended for practical reasons. Expanding the role of the Review Panel would significantly expand its scope, requiring more time on the part of Review Panel members as well as additional resources. Stakeholders also note that requests for reconsideration are often made long after the alleged maltreatment occurred, raising questions about the integrity of any new data that might collected. Moreover, opportunities for enhanced voice and/or respectful treatment might be achieved via smaller changes involving communication with the vulnerable adult prior to or during the reconsideration process.

3. Increase the opportunities and methods available for the vulnerable adult to share their perspective prior to and potentially during Review Panel reconsideration (requires statutory and budgetary changes)

The third recommendation aims to increase the vulnerable adult's voice in the Review Panel process. At a minimum, this might include eliminating the requirement that a vulnerable adult request Review Panel reconsideration in writing and/or require that alternative methods be made available to vulnerable adults who wish to request reconsideration. A stronger requirement might be that a vulnerable adult communicate his or her request verbally or in conversation with a trained practitioner. This would permit opportunities to clarify understanding and adapt communication to the specific needs of the vulnerable adult (Jack et al. 2019). Such changes would require limited statutory changes but would require additional resources to support staff from LIAs and the Review Panel in communicating with the vulnerable adult. The small number of requests each year suggests that the resources associated with increasing staff capacity are likely to be small.

Increasing the opportunities for voice would have varying implications for APS based on the degree of change from the current system. Allowing or requiring a vulnerable adult to submit a request for reconsideration verbally would likely create additional work for the Review Panel or state-level APS staff tasked with receiving the communication. The change would have limited implications for local agencies beyond a need to update information about the next steps in the process.

4. Increase the opportunities and methods available to communicate information to the vulnerable adult regarding the Review Panel's conclusion.

Currently, the Review Panel sends a letter to the vulnerable adult with the outcome of the reconsideration process. The fourth recommendation is to provide additional opportunities and methods to communicate the outcome of the process. This would offer a vulnerable adult with an opportunity to ask questions and clarify their understanding of the outcome. It would also provide a representative of the Review Panel a chance to provide empathy and signal respect to the vulnerable adult, which may enhance a vulnerable adult's experience of the process as treating them with respect.

Increasing the opportunities for voice following a reconsideration would likely create some work for the Review Panel or state-level APS staff who are tasked with providing the communication. The change would have limited implications for local agencies.

The next set of recommendations rely on a broad understanding of the Review Panel's aim.

5. Give the Review Panel the authority to overturn an LIA determination (requires statutory and budgetary changes)

The fifth recommendation is to grant the Review Panel the ability to overturn a maltreatment determination. It is important to note, however, that the vast majority of Review Panel decisions affirm the determination of the LIA. As a result, this change may have limited impact on the experience of most adults who navigate the Review Panel process. Moreover, the LIA voluntarily changes its position upon a request from the Review Panel in a majority of cases. Despite the fact that the change would have limited consequences in the aggregate, it may enhance justice in the small number of cases where the Review Panel disagrees with the LIA, which may be justification enough to enact the change.

This change would increase the authority of the Review Panel relative local APS agencies, who would be required to change a determination in response to a Review Panel request. The change may require additional resources to enable enforcement. Beyond reallocating authority from the county to state level, this change is likely to have limited implications for local APS agencies in practice.

6a. Eliminate the Review Panel, grant vulnerable adults access to the DHS fair hearings following a reconsideration by an LIA, *and* provide a vulnerable adult with support to navigate the process (will require significant statutory and budgetary changes, as well as further investigation as to how this might be implemented in practice)

Recommendation 6a is based on the finding that the Review Panel provides a vulnerable adult with a secondary level of review that is significantly more limited than that available to an alleged perpetrator. The structure itself may communicate disrespect because it offers a substitute mechanism with fewer opportunities for review and voice as well as more limited authority. The presence of the Review Panel also highlights the lack of accommodations available to vulnerable adults via hearings processes. This recommendation builds upon the finding of general support expressed by stakeholders regarding the opportunity for a vulnerable adult to receive a secondary level of review.[15]

If the purpose of the Review Panel is to provide a vulnerable adult with a meaningful opportunity to challenge a maltreatment determination that resembles opportunities available to a perpetrator, this change is the most likely to improve upon existing deficiencies in the system. Eliminating the Review Panel and granting vulnerable adults access to the DHS fair hearings process would enhance consistency within the system, while providing alleged victims of maltreatment an ability to engage with process that has more meaningful opportunities for voice and review, greater ability to communicate respect, and more authority.

This recommendation would require that vulnerable adults be provided with the support necessary to access the fair hearings process. Such support might include assistance understanding information and communicating (such as providing an interpreter or providing training to hearings staff on use of effective communication methods); providing accommodations to enhance physical access to fair hearings (accessible physical routes or virtual settings, transportation support); or support to address economic barriers. This is likely to require significant resources for both APS and DHS. However, a vulnerable adult would likely not perceive the process as meaningful (or more meaningful than the Review Panel) absent such supports and accommodations.

It is important to note that this recommendation has significant implications for county APS agencies, including a need to prioritize issues related to investigations, exacerbating the already existing tension between the protective system and person-centered service model. As noted above, such a change would also require significant legal resources for the LIA and appeals division within DHS as well as legal resources to represent adults who are vulnerable. However, if the intent is to provide a meaningful option for the vulnerable adults that resembles options available for a person determined responsible for maltreatment, this recommendation seems the most likely to improve on existing deficiencies in the system.[16]

The final recommendation relies on a broad understanding of the Review Panel's aim. This recommendation would be implemented in place of any of the above recommendations.

6b. Eliminate the Review Panel (will require significant statutory changes)

The final recommendation is to eliminate the Review Panel, thereby eliminating the vulnerable adult's ability to receive a secondary level of administrative review. This recommendation is based on the finding that the Review Panel provides a vulnerable adult with a secondary level of review that is significantly more limited than that available to an alleged perpetrator. Because the Review Panel is constrained in its ability to provide a vulnerable

[15] See Appendix B for more information.

[16] Note that this recommendation relies on an understanding that any perpetrator who has been determined responsible has access to the fair hearings process, regardless of whether that perpetrator has received a disqualification or licensing penalty.

adult with a meaningful challenge to an LIA reconsideration, and because its presence exacerbates inequities within the system, it may be more appropriate to eliminate the Review Panel.

While this recommendation is contrary to general stakeholder support for the Review Panel, eliminating the Review Panel would likely impact only a small number of cases, as the historical record suggests that the Review Panel receives between two and ten requests each year. In addition, the absence of similar mechanisms across state – or indeed, any mechanism for offering a vulnerable adult a secondary level of review of a maltreatment determination – suggests that the rights granted to a vulnerable adult via the Review Panel are not widely recognized.

Eliminating the Review Panel would eliminate the need for APS to convene and administer the Review Panel, and eliminate the work required by local agencies to compile and transfer investigation materials to the Review Panel in response to a request for reconsideration. This in turn would free up resources to support adults in stopping, mitigating, or preventing future maltreatment. In addition, eliminating the Review Panel would mitigate the tension between APS's investigative authority and its focus on person-centered practice. This would likely have practical implications for the day-to-day work of county APS agencies.

Table 3 provides a description of recommendations for improvement, their rationale, and the implications for APS in Minnesota.

Table 3. Description of Recommendations, Rationale, and Implications for APS

#	Recommendation	Rationale	Implications for APS
1	Provide accessible information on the Review Panel's structure, process, and outcomes on state and county websites	• Promotes transparency	Requires state-level actors to develop and maintain information on the Review Panel on state-level websites. Requires local APS agencies to create and host information or link to state-level websites on their websites.
2	Collect data on the experiences of vulnerable adults who request and receive reconsideration by the Review Panel.	• May provide additional insights on Review Panel's efficacy and areas for improvement	Imposes additional costs for APS staff associated with requesting feedback and conducting interviews if an independent evaluator is not available.
3	Increase the opportunities and methods available for the vulnerable adult to share their perspective prior to and during Review Panel reconsideration	• Promotes person-centered engagement • Promotes voice in the Review Panel process	Varying implications for APS based on the degree of change from the current system. Will likely require additional staff capacity for Review Panel or state-level APS staff.
4	Increase the opportunities and methods available to communicate information to the vulnerable adult regarding the Review Panel's conclusion	• Promotes person-centered engagement	Will likely require additional staff capacity for Review Panel or state-level APS staff.
5	Give the Review Panel the authority to overturn an LIA determination	• Enhances the legitimacy of Review Panel • May increase the likelihood that the process will result in a meaningful outcome for a vulnerable adult	Beyond reallocating authority from the county to state level, this change is likely to have limited implications for APS agencies in practice. May require resources for enforcement.
6a	Eliminate the Review Panel, grant vulnerable adults access to the DHS fair hearings process, *and* provide a vulnerable adult with support to navigate the fair hearings process	• Reduces inequities in the system • Promotes voice and legitimacy of review processes available to vulnerable adult • May increase the likelihood that the process will result in a meaningful outcome for a vulnerable adult	Significant implications for county APS agencies, including a need to prioritize issues related to investigations. Will require significant legal resources for the LIA and appeals division within DHS as well as legal resources to represent adults who are vulnerable.

6b	Eliminate the Review Panel	• Reduces inequities in the system	Eliminates the need for APS to convene and administer Review Panel. Eliminates the work required by local agencies to compile and transfer investigation materials to Review Panel. Will likely free up resources to support adults in stopping, mitigating, or preventing future maltreatment. Mitigates the tension between APS's investigative authority and its focus on person-centered practice.

Conclusion

The comprehensive analysis of Minnesota's system for responding to vulnerable adult maltreatment, review of the structure and operation of the Review Panel, cross-state analysis of responses across the United States, and review of existing research does not yield clear insights with respect to the Review Panel's efficacy. However, an analysis of the Review Panel's structure and operation using different understandings of its policy aim does highlight shortcomings within the existing structure and system and helps to identify recommendations that DHS and APS might consider moving forward.

Recommendations build from different interpretations of the Review Panel's role in Minnesota's system for responding to vulnerable adult maltreatment and vary with respect to the level of change to the current system, statutory and budgetary implications, and consequences for APS. Because the evidence does not clearly elevate one recommendation over another, the prioritization of recommendations is likely to depend less on the evidence and more on stakeholders' understanding of the Review Panel's policy aim as well as the consequences of APS and the broader system.

Works Cited

Administration for Community Living. 2020. *National Voluntary Consensus Guidelines for State Adult Protective Services Systems.* https://acl.gov/sites/default/files/programs/2020-05/ACL-Guidelines-2020.pdf.

Daly, Louise. 2017. "Effective Communication with Older Adults." *Nursing Standard* 31 (41): 55–63. https://doi.org/10.7748/ns.2017.e10832.

Jack, Kirsten, Caroline Ridley, and Samuel Turner. 2019. "Effective Communication with Older People." *Nursing Older People* 31 (4): 40–48. https://doi.org/10.7748/nop.2019.e1126.

Minn. Stat. 256.021 (2024). https://www.revisor.mn.gov/statutes/cite/256.021.

Minn. Stat. 626.557 (2024). https://www.revisor.mn.gov/statutes/cite/626.557.

Minnesota Department of Human Services. 2024a. *Minnesota Adult Protection Policy Manual*.

Minnesota Department of Human Services. 2024b. *Vulnerable Adult Maltreatment Dashboard, Statewide Maltreatment Data*.

Minnesota Department of Human Services. 2025. *Vulnerable Adult Maltreatment Dashboard, Statewide Maltreatment Data*. https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/adult-protection/dashboard.jsp

Minnesota Department of Human Services. various years. *Vulnerable Adult Maltreatment Reconsideration Review Panel*. Vulnerable Adult Maltreatment Reconsideration Review Panel: A Report to the Minnesota Legislature. https://www.lrl.mn.gov/edocs/edocs?oclcnumber=69241662.

National Adult Protective Services Association (NAPSA). 2025. "About NAPSA: Our Mission." https://www.napsa-now.org/about/#toggle-id-1.

Tyler, Tom R. 2003. "Procedural Justice, Legitimacy, and the Effective Rule of Law." *Crime and Justice*, 283–357.

Wadiwel, Dinesh, Claire Spivakovsky, and Linda Steele. 2022. *Complaint Mechanisms: Reporting Pathways for Violence, Abuse, Neglect and Exploitation*. Research Report. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Appendix A. Vulnerable Adult Maltreatment Review Panel Statute

256.021 VULNERABLE ADULT MALTREATMENT REVIEW PANEL.

Subdivision 1. Creation.

(a) The commissioner of human services shall establish a review panel for purposes of reviewing lead investigative agency determinations regarding maltreatment of a vulnerable adult in response to requests received under section 626.557, subdivision 9d, paragraph (b). The panel shall hold quarterly meetings for purposes of conducting reviews under this section.

(b) The review panel consists of:

(1) the commissioners of health and human services or their designees;

(2) the ombudsman for long-term care and ombudsman for mental health and developmental disabilities, or their designees;

(3) a member of the board on aging, appointed by the board; and

(4) a representative from the county human services administrators appointed by the commissioner of human services or the administrator's designee.

Subd. 2.Review procedure.

(a) If a vulnerable adult or an interested person acting on behalf of the vulnerable adult requests a review under this section, the panel shall review the request at its next quarterly meeting. If the next quarterly meeting is within ten days of the panel's receipt of the request for review, the review may be delayed until the next subsequent meeting. The panel shall review the request and the investigation memorandum and may review any other data on the investigation maintained by the lead investigative agency that are pertinent and necessary to its review of the final disposition. If more than one person requests a review under this section with respect to the same final disposition, the review panel shall combine the requests into one review. The panel shall submit its written request for the case file and other documentation relevant to the review to the supervisor of the investigator conducting the investigation under review.

(b) Within 30 days of the review under this section, the panel shall notify the director or manager of the lead investigative agency and the vulnerable adult or interested person who requested the review as to whether the panel concurs with the final disposition or whether the lead investigative agency must reconsider the final disposition. If the panel determines that the lead investigative agency must reconsider the final disposition, the panel must make specific recommendations to the director or manager of the lead investigative agency. The recommendation must include an explanation of the factors that form the basis of the recommendation to reconsider the final disposition and must specifically identify the disputed facts, the disputed application of maltreatment definitions, the disputed application of responsibility for maltreatment, and the disputed weighing of evidence, whichever apply. Within 30 days the lead investigative agency shall conduct a review and report back to the panel with its determination and the specific rationale for its final disposition. At a minimum, the specific rationale must include a detailed response to each of the factors identified by the panel that formed the basis for the recommendations of the panel.

(c) Upon receiving the report of reconsideration from the lead investigative agency, the panel shall communicate the decision in writing to the vulnerable adult or interested person acting on behalf of the vulnerable adult who requested the review. The panel shall include the specific rationale provided by the lead investigative agency as part of the communication.

Subd. 3.

MS 2022 [Repealed, 2024 c 85 s 115]

Subd. 4.Data.

Data of the review panel created or received as part of a review under this section are private data on individuals as defined in section 13.02.

Appendix B through Appendix E included as attachments

- Appendix B. Report on Minnesota's Response to Vulnerable Adult Maltreatment (Excerpt)
- Appendix C. Findings from Survey of County APS Agencies
- Appendix D. Primary Statutes Reviewed Across States
- Appendix E. Cross-State Analysis (Excerpt)