

Abuse: Financial Dishonesty Can Disqualify A Direct Care Giver.

A mother who had been caring for her own disabled son as an employee of a home health agency went through a criminal background check when such checks were first required by state law.

It was learned that she had been convicted of felony forgery in 1999 and felony issuance of a bad check in 2004. The state licensing agency informed the home health agency that she could no longer work in direct-contact patient care.

She filed an appeal in court. The Court of Appeals of Minnesota upheld her disqualification.

She pointed out she had been working in direct care for some time without even a hint that she was capable of physically abusing or neglecting a vulnerable person.

However, criminal convictions for two separate major incidents of financial dishonesty posed serious doubts about her fitness to work with vulnerable persons without risk of financial exploitation.

She offered nothing, such as professional mental health assessment, to show that she was remorseful or had been rehabilitated. **Acheaw v. Commissioner, 2010 WL 935490 (Minn. App., March 16, 2010).**