



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION
APRIL MEETING MINUTES
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS
77 SOUTH HIGH STREET, 31ST FLOOR
WEST B & C CONFERENCE ROOM
MONDAY, APRIL 23, 2012
9:30 AM – 12:30 PM**

MEMBERS PRESENT

NAME

David Barney
Marc Baumgarten
Shelly Boyd
Kate Christobek
Oliver Corbin
Jodi Crowe
Deb Downing
Rick Hoover
Gene Fischer
Frank Fleischer
Christine Haenszel
Steve Hanson
Vicki Jenkins
Beverly Laubert
Rhonda Major
Drew Palmiter
Valorie Prulhiere
John Thatcher
Lisa Wiltshire

REPRESENTING

Ohio Department of Insurance
Ohio Department of Mental Health
Ohio Department of Job and Family Services
Ohio Attorney General's Office – Consumer Protection
Ohio Department of Public Safety
Ohio Board of Nursing
County Commissioners Association of Ohio
Ohio Department of Health
Buckeye State Sheriffs' Association
Ohio Coalition for Adult Protective Services
Ohio Attorney General's Office – Healthcare Fraud
Supreme Court of Ohio
Ohio Department of Developmental Disabilities
Ohio State Long Term Care Ombudsman
Ohio Hospital Association
Ohio Department of Alcohol and Drug Addiction Services
International Association of Forensic Nurses
Ohio Prosecuting Attorneys Association
Ohio Department of Job and Family Services

Ursel McElroy

Ohio Attorney General's Office

WELCOME – Ursel McElroy

- Opened the meeting by welcoming members.
- Agenda and housekeeping items reviewed.

REVIEW FEBRUARY MEETING MINUTES – Commission

- February 27, 2012 meeting minutes approved.

ANNOUNCEMENTS – Commission

U. McElroy

- The Ohio Attorney General's Annual Two Days in May: Conference on Victim Assistance will be held May 10 – 11, 2012. Registration details are available at www.ohioattorneygeneral.gov.

**UNFINISHED BUSINESS – Commission
Legislative Service Commission Draft**

- U. McElroy provided an update on the “Ohio Elder Justice Act”. The Commission’s suggested changes to the most recent version of the draft have been forwarded to Rep. Mike Dovilla’s office [R-18th District] for consideration.

Awareness Campaign

- No updates available.

NEW BUSINESS – Commission

World Elder Abuse Awareness Day

- World Elder Abuse Awareness Day will be observed throughout the world on June 15th. This year marks the first anniversary that the day is recognized in Ohio law. The Attorney General will acknowledge the day via press release.

Expert Witnesses

- Creating a pool of expert witnesses on the topic of elder abuse was discussed considerably. Areas of need identified: 1) physical and mental capacity evaluations 2) forensic wound identification 3) sexual assault evaluations and 4) forensic accounting. The Justice Subcommittee will develop criteria for the selection. S. Hanson is project lead.

Guardianship

- The proposed Ohio minimum standards for guardians have been published at www.sconet.state.oh.us.

PUBLIC COMMENT

All participants advised that information shared during the public comment period will be used to advance systemic change in elder abuses cases. The commission is not an investigative body and has no authority to become involved with individual cases.

Brian Keith of Columbus, Ohio

- Provided oral comments.
- Mr. Keith expressed concern about the guardianship process in Ohio. He believes the motivation for most guardianship cases is money.
- Mr. Keith shared his personal experiences with Franklin County Probate Court that involved his mother. From that experience and others he reportedly has knowledge of, he shared his views:
 - There is preference given to certain parties in Probate Court matters.
 - Conflicts of interest are often present in guardianship cases, particularly involving the legal counsel appointed as guardian of the ward, without accountability.
 - Dissatisfaction with the lack of a standard required for visitation of the ward.
 - Dissatisfaction with the amount of billable hours charged to the ward’s estate.

Rosanna Miller of Bellfontaine, Ohio

- Provided oral comments, along with written supplemental materials.
- Requested the following:
 - Commission assists with the alleged murder of her mother in Logan County.
 - Commission assists with the alleged abuse of her father in Logan County.
 - Commission addresses the ineffective responses she reports receiving from local authorities.
- Matter has been reviewed by local authorities and during appellate proceedings.

Tom Field of Mentor, Ohio

- Provided written comments.
- Mr. Fields requested that the Commission recommend the voluntary adoption of the diagnostic and treatment guidelines published by the American Medical Association in 1992.
- According to Mr. Fields, the guidelines encourage the objective collection of evidence necessary to avoid the “ruinous litigation which often results when cognitively-impaired individuals execute wills, deeds, trusts, POAs or other important legal/financial documents”.

ADJOURN