

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION
AUGUST MEETING MINUTES
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS
77 SOUTH HIGH STREET, 31ST FLOOR
WEST B & C CONFERENCE ROOM
MONDAY, AUGUST 24, 2015
9:30 AM – 12:30 PM**

MEMBERS PRESENT

<u>NAME</u>	<u>REPRESENTING</u>
Jodi Crowe	Ohio Board of Nursing
Laura Abu-Absi	County Commissioners Association of Ohio
Leslie McGee	Ohio Department of Jobs and Family Services
Joel Potts	Ohio Job and Family Services Directors Association
Lea Blair	Ohio Department of Health
Alice Robinson-Boyd	Ohio Peace Officer Training Academy
Joel Demary	Ohio Department of Insurance
Cindy Farson	Ohio Association of Area Agencies on Aging
Beth Kowalczyk	Ohio Association of Area Agencies on Aging
Christine Haenszel	Ohio Attorney General's Office – Healthcare Fraud
Bethany Short	Ohio Attorney General's Office – Charitable Law
Jonathan Blanton	Ohio Attorney General's Office – Consumer Protection
Amy O'Grady	Ohio Attorney General's Office – Policy and Public Affairs
Stephanie Nelson	Supreme Court of Ohio
Vicki Jenkins	Ohio Department of Developmental Disabilities
Marc Baumgarten	Ohio Department of Mental Health and Addiction Services
Adreana Tartt	Ohio Department of Mental Health and Addiction Services
Karla Warren	Ohio Department of Aging
Kenny Steinman	Ohio Family Violence Prevention Project (Guest)
Judith Brachman	Interests of the Elderly

WELCOME – Judith Brachman

- Opened the meeting by welcoming members.
- Agenda reviewed.

CHAIR'S REPORT – Commission

Jonathan Blanton- Ohio Attorney General's Office – Consumer Protection

- It is important to look at things in a global perspective. Adult Protective Services from the rural perspective is a challenge due to the lack of funding, awareness and training. At a state level, training, advocacy and awareness are main topic issues that need to be raised. Without law enforcement, the public, and other officials aware of elder abuse and the growing concern, we are spinning a lot of air and not fully accomplishing our goal. To start, we need to raise awareness and develop an in depth training program for the Ohio Police Officer Training Academy. Then, we can start attacking the issues in communities both locally and statewide with the greatest return. The

Meeting Minutes Prepared by Jenna Ansel



Ohio Attorney General's office has been working to get a one or two day course started, so we can begin to make these necessary changes. How we approach elder abuse and injustice issues needs to be done a little different because we have vulnerable victims who have a resistance to report and cooperate.

- The Ohio Attorney General's office Consumer Protection Section is working with the Economic Crimes Unit to chase scammers. There is a concern with the elderly that when they report crimes against themselves, they may appear incompetent or unable to care of themselves and they feel that someone is looking to take away their freedom. Something that this commission needs to explore is the use of expert witnesses. The commission needs to talk to the prosecutors and the bar association to discuss criteria that can be established, to make sure guidelines are workable, useable and that we are not getting in the way of justice.
- Power of Attorney and guardianship issues are another concern that needs to be addressed. There are instances a Power of Attorney has a license to steal and they can easily exploit the elderly. Two further forward issues are going to be self-direction vs. self-neglect. In Licking County 60% of cases deal with self-neglect (malnutrition, personal hygiene, unsanitary living conditions, etc). One struggle the commission is going to have, especially with society is, how much freedom do we give someone to live in a situation which is hazardous to themselves? With the elderly population growing Elder Abuse is a growing concern and we need to project where things will be in the coming years. How will the commission receive funding? How to educate individuals and how to train authorities at all levels to handle and report these growing concerns?

Amy O'Grady - Ohio Attorney General's Office- Policy and Public Affairs

- The Policy and Public Affairs section at the Ohio Attorney General can help develop training programs for the Ohio Police Officer's Training Academy. When there are questions along the way we want to come back to this group and say, what do you think if we go down this road? We can be looked upon as experts that can help guide the commission in a way that will bring forth the most realistic result. If there is a new legislation that we are working on, we want to make sure that at the end of the day, if we have to agree to disagree, we at least make sure that we understand all the issues. The Policy and Public Affairs section is also heavily involved in the Crime Victim Assistance Program. It is a way that innocent victims of crime, who are eligible, can be compensated for the out-of-pocket expenses that occur as a result of fighting a crime. Further, Crime Victims Assistance has a victim advocate and she has been trained to help local individuals deal with crime victim issues, such as compensation claims, court, etc.

Bethany Short- Ohio Attorney General's Office – Charitable Law

- The Ohio Attorney General's Charitable Law section's job is to make sure charities are collecting money in a way that is legal and honors the mission that they are working towards. Also the section makes sure that charities are not taking advantage of other people's generosity. Charitable Law provides oversight in a number of ways. Most charities in Ohio are required to register with the Charitable Law section each year. There is an online database on the Charitable Law website where you can research any particular charity, anyone can go on the website and type the name of a charity and information will pop up, including if they are following registration requirements. The section



has partnered with the Ohio Department of Aging to do trainings in the region to help charities keep their “eye on the prize.” Further, the section goes to communities and meets with elderly groups to talk to them about wise donor issues. Many elderly individuals do not like to say no, or they think that the calls are directed only for them, so they are likely to give a donation and/or personal information. The Charitable Law section educates this targeted group by telling them to ask for a packet of information. That way they aren’t saying no and they won’t need to give personal information out over the phone.

- If you want more information on training or have any questions about a charity you can call 1-800-282-0515 or go to <http://www.ohioattorneygeneral.gov/About-AG/Organizational-Structure/Charitable-law.aspx>.

Christine Haenszel - Ohio Attorney General's Office – Healthcare Fraud

- The Ohio Attorney General’s Healthcare Fraud section investigates two different types of crimes in the state of Ohio: Medicaid fraud and patient abuse & neglect. The Healthcare Fraud section investigates provider fraud. However, it should be mentioned at times recipients are involved in the scheme and they can be prosecuted along with their provider. Provider fraud involves anyone who has a provider agreement with a Medicaid and bills for Medicaid services. It can range anywhere from a doctor or a dentist, to a medical clinic, home health agency, a home health individual nurse or aid, or even a transportation company. There are many different types of schemes that occur, but one common scheme is billing for services that were not provided. Another is up-coding services or split billing codes for services. When two services can be billed under one code and they are billed separately the insurance company is going to be paying more money.
- The biggest percentages of cases in the office at this time are home health provider cases. This occurs when a home health provider does not provide the services they say that they are providing. The office is centralized here in Columbus, Ohio. We currently have ten teams; eight are investigative teams, one is intake and one is a technical team. Medicaid fraud is prosecuted here in Franklin County simply because that is where the providers are paid from. The Healthcare Fraud unit houses its own grand jury; trials take place at the Franklin County Courthouse. At this time there are about 1,100 open cases.
- On the patient abuse side the Healthcare Fraud Unit has two teams; both are investigative teams and they investigate healthcare facilities in the state (long term care facilities, assisted living, etc.). The two teams are somewhat different. One team investigates the stereo typical patient abuse case (such as a hitting or punching, fractured bones, etc.), while the other team focuses on the bigger picture (patient abuse and institutional neglect cases). These are bigger cases where we see systemic issues within a health care institution. Patient abuse cases are all prosecuted in the county in which they occurred.
- Currently there are 100 people in the Columbus office and they are working to combat Healthcare Fraud issues. We receive cases through the Attorney General platform or from an online complaint form. On the patient abuse side, we receive most cases through the Ohio Department of Health, law enforcement officials, employees, family members, and the general public. On the Medicaid fraud



side we receive most cases from the Ohio Department of Job and Family Services, home service facilitators, the pharmacy board, and independent providers.

Alice Robinson-Bond – Ohio Peace Officers Training Academy (OPOTA)

- The Ohio Peace Officer Training Commission develops basic training courses for new recruits and cadets. Also, the commission puts on training for those who are already law enforcement officials. In the past year the commission has begun to develop elder abuse training for investigators. Also, we have EOPOTA, which are online courses that any law enforcement officer in the state can take, free of charge. Two classes we offer online through EOPOTA are: Fraud Against Seniors and Financial Exploitation of the Elderly. OPOTA is currently developing another live course for those that are already peace officers. At this time we are in the development stage and have a subject matter expert group, which has started meeting for course development.

Leslie McGee – Ohio Department of Jobs and Family Services (ODJFS)

- HB 24: \$10 million has been allocated to Adult Protective Services to develop infrastructure for the system. Each county will be given \$50,000 once they have developed specific activities. There are five activity options and all five must be completed to receive the full \$50,000. Something that ODJFS was unaware of was that many counties knew nothing about the funding, and because of this ODJFS has not seen a great deal of progress. At this time, November 14th, 2015 is the deadline to submit an activity plan. The five activities include: a letter of attestation, plan of cooperation, development of an Inter-disciplinary team and a Memorandum of Understanding. Sample documents for each activity are available for each county to review and use to develop their particular plan.
- Interdisciplinary teams, also known as I-teams, will be used to identify best practices to integrate into Ohio's Adult Protective Services system. The specific organizational structures and inter-system protocols will be locally defined, in order to best utilize available resources to meet community needs. I-Teams can enhance service coordination by clarifying agencies' policies, procedures, and roles and by identifying service gaps and breakdowns in communication. Teams also enhance members' professional skills and knowledge by providing a forum for learning more about the strategies, resources, and approaches used by multiple disciplines.
- There are many core requirements that HB 24 adds to Adult Protective Services. One of these additions is a 24/7 screening system which will be effective June 1st, 2016. The most anticipated change is the addition of an online database which is required to be up and running by July 1st, 2016. HB 64 will include mandated training for APS in accordance with rules adopted by ODJFS. The APS workgroup offers incentives when workers are sent to reboot training. This incentive will only be available to individuals whose primary work is Adult Protective Services related.
- HB 64: At this time HB 24 is being re-reviewed to add necessary changes through HB 64.

Kenny Steinman – OSU Faculty - Ohio Family Violence Prevention Project (Guest)

- The Department of Public Health at the Ohio State University is working on a project called the Ohio Family Violence Protection Project, which is a statewide initiative to organize, analyze and publicize data related to child maltreatment, intimate partner violence and elder abuse. The data is collected at



the county level. The information can be used for grant writing, legislation, advocacy, and planning. The Ohio Family Violence Protection Project's goal is to figure out a way to collect and analyze data that is going to be the most useful. Knowing that the Adult Protective Services is in the process of re-writing how it functions the project doesn't want to collect and analyze data that may be useless in the near future. Two topics the project is looking into studying are: 1. Recidivism of perpetrators (financial exploitation) and 2. How we link elder abuse to money (Medicaid/Medicare). The later of the two, we believe is an extremely powerful tool to convince legislatures that more funds need to be given to Adult Protective Services.

Karla Warren - Ohio Department of Aging (ODA)

- A key initiative that the Ohio Department of Aging has been working on is our involvement in MyCare Ohio, specifically with elder abuse. This past year ODA has made elder abuse training available. The training includes: how to make referrals, determining which clients are at risk, and how to prevent elder abuse. ODA's grant money is ending September 30th, 2015, but after September the training will still be available (the training is 3 CEUs for social work). ODA has been heavily involved in the Music and Memory program. Through Music & Memory, individuals listen to their favorite music through the popular iPod digital music player. Music & Memory trains nursing home staff, other elder care professionals and family caregivers how to create and provide personalized playlists that enable those struggling with dementia to reconnect with the world through memories triggered by the music they love. The process builds lasting, caring relationships and improves the care experience for all involved.

Lea Blair – Ohio Department of Health (ODH)

- The Ohio Department of Health has been working a lot with the Ohio Attorney General's Healthcare Fraud Section on self-reporting incidents ("SRI's"). Immediate jeopardies, a type of case that the ODH investigates, has dramatically increased in the last five years. One reason for this spike in cases may be that there are no staffing requirements, as well as residential care facilities are not required to report. The potential of neglect is highest when there is low staffing, lack of supervision, etc. ODH has been working very closely with the state ombudsman and our state partners to change some of these policies issues that may be playing a part in the spike of immediate jeopardy situations. Also, ODH has been partnering with individuals to develop education and training solutions, based on recent data collections.

Joel Demary - Ohio Department of Insurance (ODI)

- The Ohio Department of Insurance, Fraud Division investigates crimes relating to insurance fraud. The Fraud Division works to combat Medicaid Fraud and scams against the elderly. This past summer, the Fraud Division conducted a lot of public service announcements regarding information about contractors. Contractors, unfortunately, like preying on individuals and ODI is seeing more and more instances where they are going door to door and they get up on the individual's roof and find SMART damage and then a whole insurance claim starts taking off. Another aspect of the Fraud Division's work is investigating insurance agents that are licensed by our agency.

Jodi Crowe - Ohio Board of Nursing



- The Ohio Board of Nursing has experienced a large increase in the number of complaints that are received. In 2002 the department received about 2,000 to 3,000 complaints and in the past year there have been over 10,000. Issues range from theft of drugs, patient abuse or a variety of practice issues. A significant portion of the patient population is the aging.

Stephanie Nelson - Supreme Court of Ohio

- The Supreme Court of Ohio has an Advisory Committee on Children & Families and one of the subcommittees is Adult Guardianship. One policy and practice that has been adopted is the Rule of Superintendence for the Courts of Ohio 66.01-66.09. It is now in the phase of implementation, so the Ohio Judicial College is presenting the education and they have live courses at this time. By the end of the year the classes will be on demand and available from your home, office, etc. Another way the information will be given out is by webinars through county sites, such as Job and Family Services and the county courts. Another initiative that is currently pending is the Guardianship Summit and the target date is March 22, 2016. The Guardianship Summit will be led by probate judge teams and will focus on financial exploitation and other adult guardianship issues.

Adreana Tartt & Marc Baumgarten – Ohio Department of Mental Health and Addiction Services (ODMHAS)

- Last year the Ohio Department of Mental Health and Addiction Services were involved in creating a Behavioral Health Module for law enforcement training. One of the things that ODMHAS learned out of the training is that our systems are silent. So, one of the things that ODMHAS has been doing is trying to reach across the systems and begin to do collaborative work via work training. Our hope is that some of the Memorandum of Understandings (that the counties are creating) are done so in a manner that counties work together to create cross functional systems. Hopefully counties can begin to remove many of the gaps in access to services, through collaborative work.

Vicki Jenkins - Ohio Department of Developmental Disabilities (ODDD)

- The Ohio Department of Developmental Disabilities has an Abuser Registry. The Abuser Registry is established under Ohio law to list individuals who have committed acts of abuse, neglect, misappropriation, failure to report, and/or prohibited sexual relations that meet the criteria for placement registry. Individuals listed in the registry are prohibited from working with individuals with disabilities. The Abuser Registry is available to the public and it is part of the Ohio Department of Developmental Disabilities background check procedure. The healthcare agencies that are involved with Medicaid now have a uniform background check process that requires certain registries to be checked.
- The Abuser Registry can be checked at the following web address:
https://its.prodapps.dodd.ohio.gov/ABR_Default.aspx

Cindy Farson - Ohio Association of Area Agencies on Aging (OAAAA)

- The Ohio Area Agency on Aging is involved with the Patient-Centered Medical Neighborhood. The purpose is the spread of best practices to improve coordination of care between providers and social



services in the Greater Columbus area. The Medical Neighborhood has implemented cloud-based shared referral infrastructure among local healthcare providers, social service agencies, and other healthcare stakeholders. Another area that OAAAA is working to develop is a Volunteer Guardian Program. The Volunteer Guardianship Program assists guardians in carrying out their responsibilities as a guardian. Individuals involved in the program will receive comprehensive training and a reference manual; on-going support, training and technical services; six education opportunities per user, with CEUs for nurses and social workers; and services of a volunteer attorney for legal advice concerning guardianship. Overall in the long run OAAAA is dedicated to connecting services with the healthcare systems.

Laura Abu-Absi - County Commissioners Association of Ohio (CCAO)

- One issue that the County Commissioners Association of Ohio is seeing is that all counties are set up differently in regard to Adult Protective Services and this may be due to a lack of money or capacity. The CCAO realizes that Adult Protective Services is a high priority. Adult Protective Services is one of the few unfunded services and this is a growing concern. There is great frustration over the lack of state support and one way to help build a case for more funding into Adult Protective Services is to collect more data. Moving forward CCAO is interested in HB 24 and how we can best fill the gaps in the work that is already being done.

Beth Kowalczyk - Ohio Association of Area Agencies on Aging (OAAAA)

- Beth Kowalczyk is the chair of the Ohio Coalition for Adult Protective Services (OCAPS). Each year the coalition puts on a conference where training is done for individuals involved in Adult Protective Services. OCAPS is a statewide coalition that strives to enhance the provision of services to adults at risk of abuse, neglect and exploitation, through advocacy and education. Also, through OCAPS feedback has been provided for training and this will help strengthen and educate those involved in Adult Protective Services. OCAPS provides regional groups (4 regions in Ohio) and these groups meet and discuss issues, training, and best practices in relation to the work Adult Protective Services does.

SUBCOMMITTEES REPORT

Justice Subcommittee – Vicki Jenkins, Chair

- In 2012, the subcommittee was given the task to create an expert database similar to what the Ohio Attorney General’s office uses. Some important categories the sub-committee decided on were mental capacity, forensic issues, education, financial exploitation, and medical issues.
 - *For example:* the sub-committee identified for mental capacity the type of person that would testify and the training/expertise that would be needed.
- In 2013, the sub-committee turned its focus on looking at the issue of financial exploitation. In our subcommittee meetings we invited different individuals to come in and talk to us. A social worker from the VA spoke with us on the phone and explained what they see in terms of financial exploitation. We spoke with someone from the Ohio Bar Association: Aging and Law Committee because they were getting ready to launch a new initiative in the area of elder financial exploitation. We brought in someone from the Department of Commerce, the division that regulates the banks and they informed the sub-committee about bank regulations and what is happening in regard to reporting of suspected elder financial fraud and suspected illegal activity reports. Also, an individual



from the Department of Insurance came and talked to us about what the division does and what they see in regard to financial exploitation. Last, we brought in someone from the Pro Seniors Organization because they had just received grant funding for the elder financial abuse project. They came and talked about why they formed the project and the goals related to the project.

- More work can be done around the issue of financial exploitation. In every state there is a pot of money titled the Investors Protection Trust. Each state receives this money and it is set aside and in some states this money is used to fund elder abuse training, awareness, etc. One thing we have not figured out yet is what Ohio does with this money? This would be a good thing for the subcommittee to look further into.

Criminal Justice and Mental Illness Subcommittee – Marc Baumgarten, Chair

- In 2015, the committee took part in the First Responders Signs of Mental Illness and Abuse training. The training had a great turn out.
- Moving forward the committee is going to need some more bodies.
- In the future, the subcommittee should look into conducting trainings.

NEW BUSINESS – Commission

- Any interest in a subcommittee on training?
- Ideas for educating the public? We have done a great deal of work on education in the past years, but more can be done and it is important to brainstorm ideas of the best ways to get knowledge out to the general public. For example: what is elder abuse, how can it be prevented, how to report suspected abuse and so on.
 - Specific areas of concern: Financial Exploitation and Consumer Fraud.
 - Financial Exploitation webinar.
 - Use of social media to educate the public.
 - Should teams go out to nursing homes, etc. to talk to the public?
 - Best avenues for educating the community.
 - What are the benefits of giving people information and our message?
 - Put a message on bank statements that go out (this would educate a large part of society).
- What is most effective in terms of education?
- Do we want to work on a common message?
 - All information that goes out is similar.
 - Create a sub-committee to look into this further.
 - Lea Blair with the Ohio Department of Health – Sub-Committee Chair.
 - Anyone that is interested in being part of this Sub-Committee should contact Lea Blair.
 - Sub-committee goals are to brainstorm ideas to get the word out into the public about elder abuse.
- Collecting data at the local, county, and state level.
 - Will help determine how large of an issue elder abuse is.
 - Also, it will help show how common elder abuse is.
 - Data is a good tool to use to prove a point.
 - Data can help with funding.
 - Financial exploitation.



- Need to create an up-to-date resource guide for Adult Protective Services which includes information about Elder Abuse.
- Financial Exploitation Committee
 - Review legislation.
 - Laura Abu-Absi - County Commissioners Association of Ohio – Volunteered as Sub-Committee Chair.
 - Contact Lea Abu-Absi if you are interested in joining this sub-committee.
 - Important focus of this sub-committee should be gathering data in relation to financial exploitation.
 - A goal should be to educate and work with financial institutions as much as possible to prevent elderly from being targeted by scammers.
 - Other states have programs where they work with the financial institutions to protect elders. Create an easier reporting system for financial institutions.
- Justice Sub-Committee
 - In the past, heavily involved in the law enforcement side of Elder Abuse. Then, moved to how we can create a framework for experts and prosecutors. If they needed an expert to go to we would have a framework with a database including real people. Most recently, we focused on educating ourselves by talking to individuals in different areas related to Elder Abuse. We focused on what others were seeing, what issues others believed needed to be addressed, etc. Through this we looked into financial exploitation, but our sub-committee has many other focuses and there would not be much overlap with a financial exploitation sub-committee.
- Bring in someone from Medicaid or Investment Fraud to come in and speak to the group about what they see and we could talk about ideas for the future. What are the real issues? What can we recommend?

ADJOURN