



**MIKE DEWINE**

★ OHIO ATTORNEY GENERAL ★

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION  
JUNE MEETING MINUTES  
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS  
77 SOUTH HIGH STREET, 31<sup>ST</sup> FLOOR  
WEST B & C CONFERENCE ROOM  
MONDAY, JUNE 24, 2013  
9:30 AM – 12:30 PM**

**MEMBERS PRESENT**

**NAME**

David Barney  
Marc Baumgarten  
Shelly Boyd  
Judith Brachman  
Andrew Capehart  
Melanie Cooley  
Oliver Corbin  
Jodi Crowe  
Cindy Farson  
Frank Fleischer  
Christine Haenszel  
Steve Hanson  
Vicki Jenkins  
Cindy Kuhr  
Beverly Laubert  
Leslie McGee  
Valorie Prulhiere  
Thomas Swift  
Adreana Tartt

**REPRESENTING**

Ohio Department of Insurance  
Ohio Department of Mental Health  
Ohio Department of Job and Family Services  
Interests of the Elderly  
National Adult Protective Services Association  
Ohio Attorney General's Office – Crime Victim Services  
Ohio Department of Public Safety  
Ohio Board of Nursing  
Ohio Association of Area Agencies on Aging  
Ohio Coalition for Adult Protective Services  
Ohio Attorney General's Office – Healthcare Fraud  
Supreme Court of Ohio  
Ohio Department of Developmental Disabilities  
Ohio Victim Witness Association  
State Long-Term Care Ombudsman  
Ohio Department of Job and Family Services  
International Association of Forensic Nurses  
Ohio Association of Probate Judges  
Ohio Department of Alcohol and Drug Addiction Services

**Ursel McElroy**

**Ohio Attorney General's Office – Commission Staff/Lead**

**WELCOME – Ursel McElroy**

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

**REVIEW MEETING MINUTES – Commission**

- April 29, 2013 meeting minutes approved.

**ANNOUNCEMENTS – Commission**

- A. Capehart – Capehart visited the New York City Elder Abuse Center (NYEAC) in May. The NYEAC was launched in 2009 to improve the way professionals, organizations, and systems respond to elder abuse, neglect and financial exploitation in their city. During his visit, Capehart learned about the center's virtual operations, usage of telemedicine, and obtained resources useful to the Commission.

- C. Kuhr - The National Organization for Victim Assistance (NOVA) will host its 39<sup>th</sup> annual conference in Columbus, Ohio September 15 - 18, 2013. The NOVA Conference is the longest-standing training conference of its type in the nation. Additional information is available at [www.trynova.org](http://www.trynova.org). Commission members encouraged to attend.
- J. Brachman – During a recent meeting of the Attorney General’s State Victim Assistance Act (SVAA) Council there was discussion about the increase in financial exploitation. Equally important as the content of the discussion, is the fact that the topic was addressed by the Council.
- S. Hanson – Supreme Court of Ohio Chief Justice O’Connor requested data on adult guardianship standards. There have been related discussions about the consolidation of standards and determining whether substantive changes are needed in the Ohio Revised Code or Rules of Superintendence. Also, an educational requirement for non-family guardians that serve two or more adult wards has prompted the development of a training curriculum that will be tested by the Ohio Judicial College.
- C. Farson – The Franklin County Interdisciplinary Team hosted an invitation-only event on June 13, 2013 in recognition of World Elder Abuse Awareness Day. The event began with an overview of H.B. 49 followed by the presentation of case scenarios. It was successful and enlightening to see how various disciplines approach elder abuse.
- T. Swift - The Ohio Association of Probate Judges and the Ohio Department of Mental Health have been heavily involved with S.B. 43 and H.B. 104 – legislation that addresses court ordered outpatient treatment for persons with mental illness.

**CHAIR’S REPORT – Ursel McElroy**

- U. McElroy spoke at two events in recognition of World Elder Abuse Awareness Day:
  - June 13, 2013 - Franklin County Interdisciplinary team hosted a roundtable event in Columbus, Ohio.
  - June 14, 2013 – Welton, Weinberg, and Reis Law Firm hosted an Elder Abuse Day Clinic and Seminar in Independence, Ohio.

**SUBCOMMITTEE REPORTS – Ursel McElroy**

**Justice Subcommittee – V. Jenkins, Chair**

- Subcommittee completed its criteria for an expert witness pool on elder abuse investigations and prosecutions. Next step is to present the expert criteria to the appropriate professional organizations for consideration.
- Subcommittee to begin examining financial exploitation in estate planning.

**Education & Awareness Subcommittee – Vacant, Chair**

- S. Pla-Raith has reconsidered her offer to serve as Chair and will not assume the position. In the interim, U. McElroy will lead subcommittee meetings.
- Subcommittee to consolidate members and efforts of the Education and Awareness subcommittees.

**Criminal Justice and Mental Illness Subcommittee – M. Baumgarten, Chair**

- Subcommittee to begin updating a training curriculum originally created for law enforcement on elder abuse. The updates will integrate a mental illness module and broaden the training’s applicability to more audiences.
- Subcommittee has \$50,000 to help plan and deliver the trainings throughout Ohio.

**UNFINISHED BUSINESS – Commission**

**Legislative Update – U. McElroy**

- H.B. 49, the Ohio Elder Justice Act, has not had any significant progress since the proponent testimony given before the House Judiciary Committee under Chairman Jim Butler [R – 41<sup>st</sup> District] and Ranking Minority Member Michael Stinziano [D – 18<sup>th</sup> District] in March 2013. A companion bill has not yet been introduced in the Senate and no funding is attached to the bill.

- H.B. 59, Ohio's Main Operating Budget was the primary focus of most legislative activities through June 30, 2013. During Senate hearings, additional funding for Adult Protective Services (APS) was proposed. In FY'13, APS appropriations totaled \$366,000. As proposed, the amount would increase to \$500,000 in FY'14 and FY'15. A net increase of approximately \$268,000 from the last biennium.
- F. Fleischer met with Senator Bill Coley [R – 4<sup>th</sup> District], Vice Chair of the Senate Finance Committee and thanked him for his support of the additional funds for APS. During the meeting, Fleischer discussed the Ohio Coalition for Adult Protective Services (OCAPS) proposal to utilize estate recovery revenue to help fund APS and long-term care ombudsman programs. Coley expressed interest in the proposal and agreed to consult with the Attorney General's Office for an opinion. Currently estate recovery funds go into the General Revenue Fund at an estimated \$20 million annually.
- A Mid-Biennium Budget Review for FY 2014 -15 may be an opportunity to secure additional funding for APS.
- There was considerable discussion about the registry proposed in H.B. 49. It was concluded that a language change may be needed to clarify the primary purpose of the registry - to collect data on all reports made to APS whether investigated or not.

**NEW BUSINESS – Commission**

**Financial Exploitation in Estate Planning**

- U. McElroy reminded the commission that financial exploitation in estate planning was identified as a priority issue for 2013. Justice Subcommittee will begin examining the issue.

**Elder Abuse and Neglect in Nursing Facilities – Lloyd Early, Special Agent in Charge**

- Lloyd Early, Special Agent in Charge of the Attorney General's Healthcare Fraud Section explained a new initiative that will address abuse and neglect in Ohio care facilities. Through the usage of covert video surveillance ("nanny cams"), it is expected that the abuse in many facilities will be uncovered.
- Usage of covert video surveillance is not new to the section's work, but the initiative will help identify facilities and corporations with long-term systemic issues as opposed to just targeting individuals.
- Recently, video surveillance was used to uncover abuse in a Zanesville facility, resulting in closure.
- Early solicited the support of the Commission and asked members to identify organizations that could provide valuable input on this initiative during a July meeting.

**SUBCOMMITTEE MEETINGS**

- Subcommittees met to complete outstanding tasks.

**ADJOURN**