

**OHIO ATTORNEY GENERAL’S ELDER ABUSE COMMISSION  
FEBRUARY 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, February 22, 2016  
9:30 AM – 12:30 PM**

**MEMBERS PRESENT**

**NAME**

**REPRESENTING**

Leslie McGee	Ohio Department of Jobs and Family Services
Joel Demary	Ohio Department of Insurance
Lea Blair	Ohio Department of Health
Sylvia Pla-Raith	Ohio Attorney General’s Office- Elder Justice Unit
Cindy Farson	Ohio Association of Area Agencies on Aging
Vicki Jenkins	Ohio Department of Developmental Disabilities
Cindy Kuhr	Ohio Victim Witness Association
Sara Lewellen	Ohio Coalition for Adult Protective Services
Annetta Sipes	International Association of Forensic Nurses
Alison Rerko	Ohio Alliance to End Sexual Violence
Roslyn Quarto	Empowering and Strengthening Ohio’s People (ESOP)
Christine Haenszel	Ohio Attorney General’s Office – Healthcare Fraud
Stephanie Nelson	Supreme Court of Ohio
Adreana Tartt	Ohio Department of Mental Health and Addiction Services
Kenny Steinman	Ohio Family Violence Prevention Project
Kelly Igoe	Ohio Department of Commerce/Securities
Thomas Swift	Ohio Association of Probate Judges
Patrick Bailey	Ohio County Commissioners Association
Morris Murray	Ohio Prosecuting Attorney’s Association
Georgia Anetzberger	National Committee for the Prevention of Elder Abuse
Judy Crowe	Ohio Board of Nursing
Bonnie K. Burman	Ohio Department of Aging
Dr. Rona Factora	American Geriatrics Society – Ohio Chapter
Diana Pollock	Guest
Judith Brachman	Interests of the Elderly

**WELCOME – Judith Brachman**

- Opened the meeting by welcoming members.
- Reviewed and approved minutes.
- Agenda reviewed.

*Meeting Minutes Prepared by Jenna Ansel*



## **NEW MEMBER INTRODUCTION – Commission**

### ***Sylvia M Pla-Raith- Ohio Attorney General's Office (Elder Justice Unit)***

- I joined the Attorney General's team on November 2, 2015, replacing Ursel McElroy. Ursel started the Elder Justice Initiative. I believe this commission is very instrumental in supporting the Attorney General's vision in regard to the Elder Justice Initiative. I am a social worker with over twenty five years of experience in both the private and public sectors with a special interest in the field of aging. In 2005, I became the Chief of the Adult Protective Services for Cuyahoga County. Cuyahoga County has the largest Adult Protective Services in Ohio. I am a clinician, with extensive management experience with a lot of passion around Elder Justice. I am extremely excited about being here and I am looking forward to working with the commission by identifying issues and working to solve them.

## **CHAIR'S REPORT – Commission**

### ***Joe Demary - Ohio Department of Insurance***

- We conduct criminal investigations for the agency which involves insurance fraud, agent misconduct and other insurance transactions within the State of Ohio. At this time there are no new updates.

### ***Dr. Factora – American Geriatrics Society – Ohio Chapter***

- I am a geriatric doctor at the Cleveland Clinic. I have been asked to join the committee by Sylvia Pla-Raith. I am involved with the Adult Protective Services (APS) I-Team in Cuyahoga County. I have a special interest in Elder Abuse. I see patients with dementia, as well as patients who have been victims of Elder Abuse. I help with criminal investigations through the Elder Abuse Response Team when abuse is present. I am curious to see how I can contribute to this group.

### ***Alison Rerko - Ohio Alliance to End Sexual Violence***

- No updates at this time.

### ***Christine Haenszel – Ohio Attorney General's Office – Healthcare Fraud***

- Within the Healthcare Fraud Section of the Ohio Attorney General's office we investigate patient abuse and neglect within healthcare facilities of the state. Also, we investigate Medicaid Fraud. Medicaid Fraud includes any entity that bills Medicaid. We look into these cases and charge them criminally (if applicable). We see the cases from the beginning to the prosecution. All patient abuse cases are processed in the county in which they occurred and the Medicaid Fraud cases are primarily prosecuted in Franklin County.

### ***Leslie McGee- Ohio Department of Job and Family Services***

- No update at this time, defer to Membership Spotlight report.

***Vicki Jenkins- Ohio Department of Developmental Disabilities***

- One of the things we provide is an incident tracking. We are responsible for the recording and investigation of all incidents of abuse.

***Adreana Tartt - Ohio Department of Mental Health and Addiction Services***

- I am the special population's program coordinator for the department, so I am the point of contact for older adults. No updates at this time.

***Bonnie K. Burman- Ohio Department of Aging***

- This is my first meeting. As the Congress of Neurological Surgeons (CNS) works with us and as we think about the new guidelines for home and community based settings, one of the things that is very important to us is how we insure that we don't have that slippery slope to insuring people's rights.
- HB 50: Remains an active bill. It is in the Senate for review at this time. The good news is that we are talking about it. There are many people who thought the bill would never go anywhere, so the single most important thing is that it is on the agenda. Many of you remember the series that the Dispatch did about guardianship. Through this series HB 50 raised public attention to guardianship issues. Since then, the bill has morphed substantially. It is a bill to ensure the guardianship guidelines are not only for elders, but for children as well. It is a bill that's focused on elders, children, foster care, and aging out of the foster care system, which is where our JFS colleagues become increasingly important. At this time, the bill is active and the Supreme Court is involved.

***Sara Lewellen- Ohio Coalition of Adult Protective Services***

- I am the Social Services Supervisor for the Adult Protective Services Unit at Pike County Job and Family Services. My goal here today is to represent the Ohio Coalition of Adult Protective Services (OCAPS) and the interest of this network. This is my first meeting and I am interested to see what happens.

***Roslyn Quarto- Strengthening and Empowering Ohio's People***

- In the last two years we have begun working with older adults through workshops and outreach. We have been raising awareness among older adults and their caregivers by providing information on how to prevent elder financial exploitation. Also, we encourage financial planning and informed decision making.

***Kelly Igoe- Ohio Department of Commerce/Securities***

- I am the compliance counsel for the Department of Commerce in the division of Securities. I do the outreach and I am the person that licenses and takes away licenses for investors. The main thing that



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we are doing right now when it comes to elderly is we have been working alongside FINRA. FINRA has a new senior hotline which is really catching a lot of media attention. It is a very nice tool. You can call the hotline as a constituent if you are confused about something going on with their investments etc. and they will help you. The second entity that we work with is NASAA. NASAA stands for North American Securities Administrators Association and they are all state regulators and right now they are working to help those vulnerable adults who are victims of financial exploitation. We are trying to work to do more outreach and education.

### ***Patrick Bailey- Ohio County Commissioners Association***

- I am the deputy assistant director of the Montgomery County Job and Family Services. I am here on behalf of Commissioner Dodge. I have a lot of experience working with Adult Protective services as an administrator and have an active APS Interdisciplinary-Team which is now required in law.

### ***Lea Blair- The Ohio Department of Health***

- No update, defer to sub-committee report.

### ***Annetta Sipes – International Association of Forensic Nurses***

- I am a SANE nurse, which means we work with sexual abuse and domestic violence victims. What we are working on here in Columbus is reaching out to the nursing homes and giving them cards with information, so they can look at and see the keys when someone is being abused. We also go to the nursing homes and teach the information provided on the flyers.

### ***Kenny Steinman - Ohio State University (College of Public Health)***

- I am with the Ohio State University, College of Public Health as an adjunct faculty member. I also lead the Ohio Family Violence Prevention Project which takes data related to child maltreatment, elderly abuse, etc. and makes the information available for people in an easy to use format so that it can be used for advocacy, researching and assessing issues, etc. I am eager to have people use the data. We have been doing this for seven years. You can search the data by county, so if you are in Cuyahoga County you can look at their data related to elders, etc. and see the differences. I am eager to update the data with current numbers and statistics. Hopefully by October, I will have new information to share with the group.

### ***Cindy Farson - Ohio Association of Area Agencies on Aging***

- There are 12 Area Agencies on Aging in Ohio and we case manage 1,000's of people through waiver programs, local levy programs and other programs. This makes the Adult Protective Services one of our most valuable partners for keeping people safe at home. Also, we are very interested in guardianship and we have a guardianship program at our organization. What this commission does is a great interest for us.

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## ***Diana Pollock – Citizen Advocate (Guest)***

- I am a citizen advocate representing myself. I have a lot of interest in this issue. I have been active many years on the sub-committee for adult guardianship (since 2009).

## ***Cindy Khur – Ohio Victim Witness Association***

- I am a BCI Victim Specialist, but I am here representing the Ohio Victim Witness Association. The Ohio Victim Witness Association is a state-wide supportive services agency for other advocates. Therefore, I bring the perspective of crime victim as well as the criminal justice system.

## ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- I am a prosecuting attorney in Defiance County. I am the president of the Ohio Prosecuting Attorney’s Association. I serve on the executive committee and the legislative committee for the association. I have a lot of interest in this topic as a prosecutor. I have been a prosecutor for 30 years and I was in law enforcement before that. To the extent that I can provide a perspective or feedback from the perspective of what we do as prosecuting attorneys on these type of cases, both on the civil and criminal side, that’s why I am here.

## ***Thomas Swift – Ohio Association of Probate Judges***

- No new updates.

## ***Georgia Anetzberger – National Committee for the Prevention of Elder Abuse***

- I am on the Board of Directors of the National Committee of Elder Abuse and past President of the organization. It is the oldest association related to Elder Abuse in the country. It was established in the late 1980s and it has an official publication which is one of the two publications on Elder Abuse worldwide. One thing that is happening with the National Committee is that this year we will be releasing a project, available online as well as DVD. It is a training program, as well as general information and it is on Public Victimization and Later Life. Also, I am on some other national committees and if it is useful to the committee I could report on these periodically. I am on the Advisory Board to the National Center on Elder Abuse which is funded through the Administration on Aging at the University of Southern California and interestingly it recently released a brief on state elder abuse working groups including our own Elder Abuse Commission (that information is available on the committee’s website). Also, I am on the steering committee for the Elder Justice Road Map. This particular group is concerned with continuing to interest people in fulfilling the recommendations of the elder justice road map which was released in 2014. Finally, I am on the advisory counsel for the committee on Seniors in Diminished Capacity of the North American Securities Association which recently adopted a model act designed to protect seniors and vulnerable adults from financial exploitation. It is being used to pursue legislation or regulation about that matter.

## ***Jodi Crowe– Ohio Board of Nursing***



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- I am the supervising attorney of the compliance unit. The compliance unit investigates and carries out any disciplinary action of the board in regard to nurses and their licensures.

## **PRIORTIES FOR 2016**

Thinking about what priorities we want to focus on for 2016, I have heard a lot about people enjoying coming here to exchange information and that is a large part of what they get out of this. In addition, there are opportunities for training and Sylvia can talk more about that.

## **ELDER FINANCIAL EXPLOITATION SYMPOSIUM SUMMARY REPORT**

### ***Judith Brachman– Interests of the Elderly***

One thing that stood out for me was financial exploitation. Everyone has the handout from the Elder Financial Exploitation Symposium. I would like to take some time to review this document. What struck me were several issues: public education of consumers and their families about what financial exploitation is and what it can mean in terms of serious problems for an older person; and training professionals to discover when an older person is being financially exploited and what to do about it. What to look for and what to anticipate preventing it, so we can lessen the possibilities of it occurring. We talked briefly about some statutory changes that may be possible and with that we want to look at if we have included in any legislation all the mandatory reporters that need to be mentioned.

Also, there were recommendations that financial institutions develop software to recognize unusual patterns of financial activity that might indicate financial exploitation is occurring. Creating an informed consent model and talking to senior citizens so they understand what the issues are themselves. There is the possibility of cross county collaboration. Many people have mentioned I-Teams which occur in a county but they can do things on a cross county scale. Also, APS and law enforcement sharing information and compressing the time frame for prosecuting cases when there is only limited participation on the side of the victim.

## **OPEN TO DISCUSSION**

### ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- To drill down a little further on concerns about the obstacles that financial institutions face in these cases and what I elude to I really didn’t see a lot of focus on this...one of the things we run into are privacy and confidentiality issues that financial institutions have to deal with. They have to walk a line, where they are concerned about some kind of liability or criticism. This is a recurring theme. Exploiting granddaughter is maybe taking the elderly relative who is suffering from dementia or whatever else to the bank teller and even if the bank teller is suspicious, asking too many questions can affect the confidentiality aspect. That is one problem that the banks run into. The idea that some type of alert system/ data gathering software sounds good, but there might need to be some regulation or law to protect elderly account holders and financial institutions allowing them to disclose information or ask questions.

***Bonnie K. Burman – Ohio Department of Aging***

- Are there other states that are leaders in this area that we might be able to look at and make comparisons?

***Vicki Jenkins – Ohio Department of Developmental Disabilities***

- I know Massachusetts has had a bank reporting project since 1996 and it is something they do in conjunction with their Attorney General's Office of Consumer Affairs and their State Bankers Association. As I understand, it is a training process. The bank tellers learn how to spot financial exploitation and they learn how to report it. I believe as part of the project they developed a system that spots red flags. When someone comes to the bank and wants to withdraw a large amount and they believe that the person might be coerced, the teller will grab a form and sit down with the client. They will start by saying maybe it is not a good idea to walk out of here with \$5,000 and give them some guidance. The teller will try to do this privately, so that the client will feel more at ease to disclose the information in case the client is under some sort of duress. Individuals from the Bankers Association didn't seem to feel there was any violation of Federal Laws. I know a couple years ago the Federal Government pointed out under the federal statute that individuals can report.

***Sylvia M Pla-Raith – Ohio Attorney General's Office (Elder Justice Unit)***

- I think the problem is in some states the financial industry are mandatory reporters, so they are required to report to Adult Protective Services. Where in the state of Ohio that is part of HB24, which is hoping to include these mandatory reporters, but I do think this commission may want look at other states as templates and best practices. This commission may want to spend some time looking at Texas, North Carolina, and several other states which have developed Elder Exploitation Tool and best practices. In addition, NASAA has provided a roadmap with how to get the APS, bankers, and communities working together. They provide information such as: what are the jurisdictions, what are the limitations and how do we bridge them together, so we can address the issue of exploitation. Everyone in this room knows that this is an issue, so the question is how are we going to pull our resources together and make something happen? We have resources already in place that we may or may not know about and we need to look at what we can do.

***Kenny Steinman – Ohio Family Violence Prevention Project***

- I am looking back on a report we did about three years ago, and Colorado designated bank tellers as mandatory reporters. In their legislation they included some funding for online training. So, that might be one model to look at. I don't know how well it rolled out, but it would be a good place to start.



## ***Georgia Anetzberger – National Committee for the Prevention of Elder Abuse***

- I think more than any other aspect of Elder Abuse there is so much interest in activity at the state and national level with regard to financial exploitation that one wonderful opportunity we have is to gather information and see what might fit for Ohio. Also, I think there are a lot of organizations that we can tap into, not only the Consumer Protection Agency and the National North American State Administrators Association, but also the Financial Industry Regulatory Authority. Like the other organization I mentioned they also came out with major recommendations in regard to authority related to financial exploitation which has great implications in terms of the financial industry.

## ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- I think it is a great idea to tap into these resources instead of trying to re-invent the wheel. One of the things that have occurred to me is that we can ask financial institutions, as well as individuals, to do things voluntarily. What I am getting at is maybe some kind of consent form could be developed for financial institutions to voluntarily use, so that when you have an account holder who is 65 or older, at the time they open the account or sometime around the time the account is opened allow the bank to be authorized to allow questions. If we are going to get to a mandated reporter or we are going to get to someone making a report we should get the teller to ask a few questions, so that they can get the consent ahead of time before the elder is exploited. As it is right now, the teller doesn’t ask questions even if they have suspicions.

## ***Dustin Holfinger- Ohio Bankers League***

- In response to the comment about the teller being able to ask questions and creating a sort of force field around that questioning, the concern that my institution has is that tellers unfortunately are not experts and trained in this field and the liability then, not only falls on the institution, but would also fall on the teller, individually. This is an issue that we have had with HB 24. The issue we are having is that the employee must report. Typically the teller is not the one that would report. We would rather it be an institutional type reporting, rather than an “individual” being required to do so.

## ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- Mandated reporting laws allow for immunity from liability, so generally this is why law enforcement, prosecutors, etc. want this report to come from the individual that develops the reasonable suspicion rather than someone who didn’t make the observations first hand. In order to protect that person the statute includes protection from liability, so I would assume any model statute would similarly protect the teller from any such liability.



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## ***Sylvia M Pla-Raith – Ohio Attorney General’s Office (Elder Justice Unit)***

- There is a statute in law right now similar to what Morris is alluding to. The ORC for Adult protective Services says, any reporter both mandated and non-mandated that makes a report in good faith is immune to litigation. So, that would include any added folks or groups to it.

## ***Bonnie K. Burman - Ohio Department of Aging***

- One of the beauties of this commission is that we have so many different organizations represented and that is also a problem. One of the issues we have in front of us is the 17/18 budget and those of you that are not in state government hear budget and think it is dollars and cents, but budget is really a way to express our policies and priorities. It seems to me that the timing is absolutely right and we really need to start submitting things in. We should really start to think about the big stuff we can do, as well as what needs to be changed. We have the ability to do bigger, if we so chose. We really need to all work together. If we are working on something in Commerce we all need to put our all into and get it done as team for Commerce.

## ***Roslyn Quarto - Empowering and Strengthening Ohio’s People (ESOP)***

- So, I live in a different world and I have been working around the country with non-profits directly on these issues. I am a member of National Community Reinvestment Coalition (NCRC) and they have age friendly banking consortiums which have been going on now for about three years. They meet with the heads of banks, nationally that are making these decisions and they decide what their training will be like etc. The meeting is coming up next month. I know internally it is nice to get together and talk the talk I do not know, but there are places out there dealing with these issues at a much bigger level.

## ***Cindy Kuhr - Ohio Victim Witness Association***

- I just wanted to address something from the symposium looking at the issue of addressing victims needs and I wanted to reiterate that I have been involved with the original commission. I really support the multi-disciplinary teams and I am really happy these things are being addressed because the importance of having questionable things that are happening to individuals and the importance of having more than one person involved and primarily so the individual (who may be at risk) can see them. I think sometimes there is safety in numbers. I think with adult elderly sometimes the safety in numbers by seeing more than one person is kind of a blanket of security for these individuals, so I really like that issue and I believe it is an important thing that would open the door for disclosure. We are already talking about an issue where there is trust and concern on the individual’s part and to have more than one person, in their mind might be more like a watchdog.



***Sara Lewellen - Ohio Coalition of Adult Protective Services***

- We were talking about financial exploitation and the financial institutions participating and speaking right now, as a social services supervisor in Pike County we have one of the largest high-end retirement communities in the state. We have the First National Bank which holds a significant amount of money. There is a lot of old money there. I will tell you that, that financial institution voluntarily reports suspected abuse or exploitation. What they report is suspicious activity. They don't get into the nitty gritty and I think this is something we should look at. When we develop questionnaires I don't think they should get to in depth, remember we are just looking for reasonable suspicion. When you believe something is wrong then you get a subpoena from the Grand Jury and the financial institution hasn't given out any bank account numbers or anything. This allows for protection of the institution. Unfortunately, First National Bank is the only financial institution that we see participate. I believe that this should be mandated, so that smaller financial institutions that are worried about liability will not have this issue any more.

***Sylvia M Pla Raith - Ohio Attorney General's Office (Elder Justice Unit)***

- One of the reasons the Elder Justice Initiative was created is to help victims make connections. Currently Ohio has a very fragmented elder abuse system. Adult Protective Service owns part of the mandated responsibility for investigating cases of abuse, neglect and exploitation and then you have the bank industry and the police. One of the things I think is necessary and why I think a sub-committee would be helpful is to come up with a service matrix that would define each agency role and responsibilities. Several factors can effect who has jurisdiction such as the age of the victim, whether or not the person has a mental or physical impairment and who happened to be the perpetrator (is it a stranger, a family member, etc). These things determine which agency should take the lead and has the authority to investigate. One of the things that I would like to see the group accomplish is a guide showing who is going to help these individuals based on the scenario. There is a lot of opportunity for us to collaborate to connect the dots and point victims in the right direction.

***Dr. Rona Factora- American Geriatrics Society – Ohio Chapter***

- I think a good thing to look into would be the issues that the financial institutions have with mandatory reporting, such as what are their fears, worries and so on. We can put models in front of them that have worked all over the country, but they may not be necessarily convinced if their concerns are not addressed in the models. If you look at the mandatory reporting system now at nursing homes, even the janitor is required to report if they see something. So, I don't think you need to say that you need this level of authority to report. Anyone should be able to make a report if they have a suspicion and they should understand that they are protected.



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## ***Georgia Anetzberger - National Committee for the Prevention of Elder Abuse***

- Going back to what Sylvia said, I think it is very important to connect the dots and try to integrate cross-systems. Often times, financial exploitation does not occur in isolation, it occurs with other forms of elder abuse, including self-abuse and self-neglect. We need to understand that there may be other forms of abuse that need reported.

## ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- This is a very complicated area as we all know. We struggle with the mandated reporter laws not only in this area, but in child abuse cases with teachers, etc. One question we have that we struggle with is what is reasonable suspicion? I believe training, clarification and the liability protection are all part of the equation. The other difficulty we face during prosecution of these cases is that the elder victims don’t see themselves as victims.

## ***Kenny Steinman– Ohio Family Violence Prevention Project***

- Massachusetts and Oregon began with voluntary reporting and eventually moved to mandated reporting. This may be something we want to look at, as well as what other states began immediately as mandatory. Then we could compare those examples and see what worked better, etc.

## ***Judith Brachman – Interests of the Elderly***

- I have heard a few key things mentioned in this discussion. First of all, I am wondering what is really in HB 24 and whether it has in it what we think it should cover or not in terms of other states laws or things that other states may be doing (but may not be mandatory). Second, looking beyond HB 24, I am hearing things that people are recommending that could be done that are not mandated, but would be desirable. Third, is the question of, if somebody is being exploited financially, who does what about it and where do people go and how do they get some type of recognition of the problem to deal with it?

## ***Morris Murray – Ohio Prosecuting Attorney’s Association***

- I would like to add that one of the challenges when we deal with elder abuse and we deal with caretakers is the distinction between: what is abuse (physical abuse or neglect) versus what is appropriate care? We see this issue with caretakers who are caring for elderly patients with dementia and the question is what type of restraint, etc. is appropriate? Where is the line drawn for those kinds of issues?

## **WORLD ELDER ABUSE AWARENESS DAY**

### ***Judith Brachman– Interests of the Elderly***

The Attorney General will be having an event for World Elder Abuse Awareness Day and I would like to know what ideas you have to make the broader Ohio public aware of this issue?



## OPEN TO DISCUSSION

### ***Georgia Anetzberger - National Committee for the Prevention of Elder Abuse***

- One thing that the National Center on Elder Abuse did last year was a webinar. One of the advantages of doing a webinar is that it is available to individuals all over the state and in the case of the National Center on Elder Abuse they had individuals from around the world participating. This allows the event to be less localized and with Ohio's 88 counties there could be a lot of participation. The National Center on Elder Abuse's webinar had 500 individuals that registered and of those that did attend they represented 48 different states, as well as 5 countries. So, what we run into in Ohio with a Columbus specific event is often times people from the different parts of Ohio cannot travel or they have a time commitment, but this would give them the opportunity to participate.

### ***Patrick Bailey – Ohio County Commissioner's Association***

- Montgomery County has had events for about 7 years and last year we tried a more mainstream approach. We were primarily talking to seniors, but we wanted to talk to a wider range of individuals. So, we did a big event at the courthouse where we tried to target more of the mainstream population. I think the more you can draw attention to the problem, the better. You can have events at different sites with speakers and webinars. We need to target everyone because most people don't even know that there is a problem.

### ***Sara Lewellen – Ohio Coalition for Adult Protective Services***

- We consider the training for our staff on mandatory reporting our responsibility, whether it is World Elder Abuse Awareness Day or not, so we have removed that from what we do. The only way you are going to increase awareness of elder abuse and financial exploitation state-wide is to use the media. We focus a lot on activities that the public is invited to, that are free of charge. There are a lot of pictures and articles in the paper. There are cameos on workers that are available for a couple of weeks. When we talk about webinars I think these are training and it is our responsibility no matter what day of the year it is. So when we talk about awareness day we are targeting your average Joe or Sally community member.

### ***Kenny Steinman - Ohio Family Violence Prevention Project***

- We can use data from the local level and put it into context. For instance, if someone wants information on Butler County we can say well 2,600 elders are experiencing abuse and neglect. Out of the 2,600 we know 450 were injured in a motor vehicle accident and so on. We have had success with this in other types of family violence. I plea for people to use the data available and I am willing to help anyone who is interested in using it.



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*Sylvia M Pla-Raith– Ohio Attorney General’s Office (Elder Justice Unit)*

- It is possible that we do more than one event. Last year in Cuyahoga County we actually turned June into a month and started off with a kick-off where we talked about the issue, but then we had something each Friday. Then we ended the month with a community forum. One day is not enough to get the word out. Maybe the commission does one big thing on the 15<sup>th</sup>, but other smaller things throughout the month.

**DIRECTOR ELDER JUSTICE INITIATIVE’S REPORT**

*Sylvia M Pla-Raith– Ohio Attorney General’s Office (Elder Justice Unit)*

Many of you know that House Bill 24 (HB 24) was re-introduced recently. We have reached out to House Representative Dovilla because we want to talk to him about HB 24 and to see where he is at. This group is very instrumental in the development of HB 24. How many are familiar with the substitute bill? There are many changes from what was originally produced, while a lot of things were kept in place. For instance, the list of mandatory reporters was not changed and he has been advocating for judicial individuals to be included. He is trying to bridge some of the gaps between what was introduced recently in HB 64 (the APS budget) and what is included in HB 24. For instance, what is the definition of exploitation? We mentioned earlier there is still a gap in Ohio in terms of who does what. Right now in APS law the perpetrator has to be a caretaker. For example: granddaughter steals from grandmother but she is not a caretaker is that something that APS would look at? If you follow the law it’s not. A lot of people think that APS handles all individuals 60 and above and that is not true. In Ohio, it is specifically designed that the elderly individual must have an impairment (the impairment could be physical it doesn’t have to be mental). The new law in Ohio did acknowledge undue influence. This is important because there are lots of folks who are tricked into providing funds. HB 24 still has some issues that need to be brought to attention. There have been a lot of questions as to what is a civil investigation vs. a criminal investigation? And when are they parallel? One of the things that we want to do is to teach people. We really want to work next year to close the gaps in terms of identifying what it is, so individuals can find the problem and conquer it. We are going to plan on repeating the symposium next year. We would like to have these regionally: one will be in northeast Ohio in August, then southern Ohio, and the goal the following year is to have an east and west symposium. Our biggest influence is education. Many people do not know about the services offered, or where to go if something occurs, and here at the Attorney General’s office we have the tools to lead these individuals in the right direction. We need to point individuals to us so that they can receive the information and direction that they need.

**USE OF PSYCHOTROPIC DRUGS ON ELDERLY PATIENTS**

*Diana Pollock- Guest*

I have personally seen abuse with psychotropic drugs in an elderly person that I feel was unforgivable and to this day I cannot believe that this was legal. I think we all need to realize that these are older people, many even in their 80s perhaps who are given drugs that were created for mental conditions that may not be what they have at all, but they are being used on them sometimes with horrific side effects. I believe that this is a big concern that I hope other people will see.



## *Commission Response*

- This type of scenario is a form of restraint, so when we talk about the different types of restraint you don't want to use duct tape holding someone into a chair and this is equal to that. It is a form of restraint with individuals who aren't able to have the appropriate judgment. Also, this reduces the competence and reliability of the individual who is being victimized, so this is another problem with the medication. Federally, CMS has put out a mandate to all of the states, to reduce the use of anti-psychotic medications specifically with individuals who have dementia by 15%. The Criminal Justice and Mental Illness Sub-Committee is a good place to voice your concerns and look at this issue further.

## **MEMBER SPOTLIGHT- LESLIE MCGEE HB 64: PROGRESS REPORT ON INNOVATION AND CAPACITY BUILDING GRANTS, ORC AMENDMENTS, STATE REQUIREMENTS AND RULE DEVELOPMENT**

### *Leslie McGee- Ohio Department of Job and Family Services*

- As you know ODJFS has been working on HB 64, as well as the activities that stem from the APS funding workgroup. One of the major provisions of the work group is that the larger funding was used for capacity building. The money is being used for education, activities, public awareness and trainings revolving around elder abuse and APS services. A lot of people did things with iPads, so that their workers would have access to information when out in the field and the iPads help the workers to do their work more efficiently when out and about.
- Some examples of things being done with the capacity grants are provided on the handout. We did have an initial deadline of December 31, 2015; however, our director was able to get an extension and the counties now have until June 30<sup>th</sup> of this year.
- The other large grant was the innovation grant and this was a much larger amount of money (a maximum amount of \$150,000). We did give the counties the option of collaborating with other counties. Some counties received more than one innovation grant because they could submit one as an individual county and they could also submit an innovation proposal as a group of counties. So, we had a couple counties submit more than one and actually be rewarded more than one innovation grant. Some counties ran into some issues and not all the projects moved forward, but for the most part counties were able to complete the projects successfully.
- **One of the requirements for the grants was that the project would have to be something that could be replicated, so will the state look at which projects were more successful? Is there going to be another opportunity for grants?**



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- We don't know anything about additional funding. One of the funding criteria was the fact that the project must be something that could be replicated based on how it was written up. All the applications that were submitted are public record, while the scoring matrixes are not because they weren't ever shared.
- **Can you explain what the scoring criterion was for the application?**
  - Basically we were looking at what it was? Was it something that was so specific to their county that it couldn't be used somewhere else? There really wasn't anything else that was used as the scoring criteria.
- **Create a state-wide 24/7 1-800 APS Hotline number. Is there a concern for a 1-800 number opening in July? Will the capacity be too high to handle?**
  - We always have concerns. Some counties have the staff to manage a 24/7 intake line, while others have capacity issues. Some counties applied their grant money to staff the hotline. This is one of the reason the ODJFS delayed creating the 1-800 number until the deadline of June 30, 2016 when all counties are supposed to be in compliance with the new enhancements to the ORC.
- HB 64 had the requirement for APS or their designated agency to accept referrals and reports 24 hours a day 7 days a week. This packet of rules is being reviewed right now, which means it's been through all the clearance processes. The statute changed some of the cross-referral language. In regard to the data system, we are back at the drawing board. All options are on the table. We have looked at systems in several other states and we have looked into buying a pre-made program. Another major change for APS is the requirement to have a memorandum of understanding and I-Teams. Also, the training rule is moving forward. This requirement is that all APS are required to receive training. There is a lot of negotiation back and forth about what exactly the training requirements should be. There are 9 core courses. Individuals must take 18 hours in person and they have 2 years to complete of the requirements.

## **SUBCOMMITTEE REPORT**

- ***Criminal Justice and Mental Illness –Adreana Tartt***
  - Last meeting we had a conference call with Maria Schimer, Office of Geriatric Medicine from NEOMED. We talked a lot about various cognitive impairment issues with individuals who have diminished capacity and ensuring individuals have timely and quality evaluations. In addition, there is evidence that individuals are being identified at much younger ages. So, this includes those at 40 and 50 year olds with various diminished capacities. We concluded our conversation with thoughts of a follow-up call to survey the types of instruments and assessments that are needed. Barb Palmisano from the NEOMED office did follow-up with an email offering resources when needed.



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- ***Legislative***
  - No updates at this time.
- ***Public Awareness***
  - No updates at this time.
- ***Financial Exploitation- Lea Blair***
  - I have agreed to chair this sub-committee; please see me if you are interested joining this group. The committee has reached out to the financial industry and other involved in the OAG Elder Financial Exploitation Symposium to begin to address the issues that were raised at the forum. We hope to have a meeting update at the next EA Commission Meeting.

**ADJOURN**