

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION
FEBRUARY MEETING MINUTES
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS
77 SOUTH HIGH STREET, 31ST FLOOR
WEST B & C CONFERENCE ROOM
MONDAY, June 27, 2016
9:30 AM – 12:00 PM**

MEMBERS PRESENT

NAME

REPRESENTING

Scott Anderson	Mental Health and Patient Services
Patrick Bailey	Ohio County Commissioners Association
David Barney	Ohio Department of Insurance
Marc Baumgarten	Ohio Department of Mental Health and Addiction Services
Jonathan Blanton	Ohio Attorney General's Office- Consumer Protection
Dr. Rona Factora	Ohio Geriatrics Society
Chip Glass	Ohio Department of Health
Christine Haenszel	Ohio Attorney General's Office – Healthcare Fraud
Kate Hanson	Ohio Attorney General's Office- Communications
Vicki Jenkins	Ohio Department of Developmental Disabilities
Cindy Kuhr	Ohio Victim Witness Association
Beth Kowalczyk	Ohio Association of Area Agencies on Aging
Beverley Laubert	Ohio State Long-Term Care Ombudsman
Sara Lewellen	Ohio Coalition for Adult Protective Services
Leslie McGee	Ohio Department of Jobs and Family Services
Kate Neithammer	County Commissioners Association of Ohio
Stephanie Nelson	Supreme Court of Ohio
Sylvia Pla-Raith	Ohio Attorney General's Office- Elder Justice Unit
Roslyn Quarto	Empowering and Strengthening Ohio's People (ESOP)
Alison Rerko	Ohio Alliance to End Sexual Violence
Annetta Sipes	International Association of Forensic Nurses
Adreana Tartt	Ohio Department of Mental Health and Addiction Services
Monica Walker	Ohio Attorney General's Office- Elder Justice Unit
Kaylene Way	Ohio Department of Aging
Judith Brachman	Interests of the Elderly

WELCOME – Judith Brachman

- Opened the meeting by welcoming members
- Meeting dedicated to Elder Abuse Awareness Day
- Reviewed and approved minutes.

Meeting Minutes Prepared by Jenna Ansel



- Agenda reviewed.

CHAIR'S REPORT – Commission

Sylvia Pla-raith- Ohio Attorney General's Office - Elder Justice Unit

- My office is overseeing the Elder Abuse Financial Exploitation Symposium and the first one is scheduled for August 26th, 2016. This week it will go live and registration will be available online. This is a free event. Dr. Factora is going to be one of the keynote speakers at the event and he will be speaking about finances and capacity. Also, the Department of Commerce is going to talk about their regulatory duties and we will have a panel of individuals who can answer questions, etc. We are going to aim to have these symposiums quarterly and our goal is to get a conversation going about financial exploitation and looking at the different systems which are needed and how it affects the systems. Our website will have all the new information moving forward.

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

- Attorney General DeWine thanks you for being here. I talked to him this morning and he remains very interested in the activities of this group. We launched an initiative three weeks ago that is a consumer related website called ohioprotects.org. It is a much simpler website to use. If you have consumers with questions about transactions or educational materials (request a presentation/ file a complaint), they can be sent here and it is easier to use than the regular website.

Leslie McGee – Ohio Department of Jobs and Family Services

- We have gone live with our 1-800 number (which is really an 855 number) for 24/7 elder abuse reporting. We are not calling it a hotline; we are calling it a referral line because it is a routing system. You can call 855-ohioaps and it will ask the caller to prompt the location of the elder that you want to make the report about and then it will forward the call to that county. Every county has been required to have a system that accepts referrals 24/7. The rules around the new training requirements and MOUs and so on have been finalized and will take effect August 1, 2016.

Beth Kowalczyk – Ohio Association of Area Agencies on Aging

- We are working on our budget at this time. APS is still one of the three priorities we are looking at, in addition to senior hunger and direct care workforce. There is a shortage of individuals to provide care to the aging, so we are continuing to develop that platform. Our AAA's did a lot of activities for Elder Abuse Awareness day. The AAA in Lima is working on a project that they received a Voca grant and Health Pathway grant for. They used this grant to provide wrap around services to victims of elder abuse and they are also working on creating a shelter for these individuals.

Annetta Sipes- International Association of Forensic Nurses

- We are still continuing to educate nurses and healthcare officials about the red flags of elder abuse.



Patrick Bailey- Ohio County Commissioners Association

- Montgomery County Job and Family Services has been working on transferring Medicaid to a new system and Age Blind Disabled training. So, there has been a lot of effort to get our staff trained on this. In regard to APS we have been finalizing our grant reports. One of the two is completed, while the other is in the drafting stage and will be submitted shortly. We have been working a lot with CANE, which is our multi-disciplinary team. CANE put together an event in June 16th at a YMCA and it focused on financial exploitation.

Kate Hanson - Ohio Attorney General's Office- Communications

- We issued a news release on Elder Abuse Awareness Day announcing substantial grants we have issued to the Ohio Legal Assistance Foundation.

David Barney- Ohio Department of Insurance

- No updates.

Sara Lewellen- Ohio Coalition for Adult Protective Services

- We had a steering committee meeting this past week and there was a lot of conversation about HB 24. We have regional meetings up and running now, so we are excited that the regions are getting together and networking/brainstorming. We discussed the difficulties of getting our grant proposals submitted. There was a lot of rush and I know ODJFS was there and they discussed a lot of difficulties that they are hearing as feedback. We are very sad that some of the counties are going to be sending some of their money back because they either had too broad or too detailed proposals and they couldn't fully complete them/etc. APS certainly needs the money on a county level. We would like something like continuous funding instead of trying to rush, rush, rush to get a grant proposal submitted. Then we are stuck with the grant and sometimes this gives us new needs that cannot be addressed because the grant is so specific. We would like to see some higher level, pure, consistent funding so that we could really do the day to day activities without worrying if it's covered under the grant, etc.
- We would like to see more organizations join OCAPS. We recently had the ODJFS Directors Association join. APS has fallen by the wayside in individual counties because directors have to focus on where the money is and APS has been so under-funded (historically). It's nice to have the directors association, as their staff can reach out to all 88 counties. We are really committed to increasing our outreach in the next couple of years.
 - We have been tracking the whole grant period in regard to what counties didn't use all the grant money or how much they have left/etc. We found out along the way that there were some that were awarded the grant and when the director was notified nothing moved forward and we were 6 months in and nothing was started, so there have been some



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glitches. A lot of it has to do with the very short turnaround time. It was not county friendly at all. The last message we want to send to the legislature is that the money wasn't needed.

Kate Neithammer- County Commissioners Association of Ohio

- One of the bills that we are following is HB 24 and we were prepared for it to pass, but it did not. So, we are going to continue to follow it, as well as get ready for the next budget. Our communications department has been recognizing different counties that are doing different things in regard to Elder Abuse.

Christine Haenszel – Ohio Attorney General's Office- Health Care Fraud

- We have recently partnered with many organizations to look into prosecuting nursing home facilities, long term care facilities, etc. and look at a history of systemic problems within these facilities. Whether it is along the lines of abuse and neglect or something like false claims/etc. We are still working on our PAIN cases. PAIN stands for patient abuse and institutional neglect cases. We are continuing to prepare for a trial which is now set for August 15th and it is the first case our office has ever taken where we are looking at prosecuting the owner of an actual corporation of a nursing home company for various charges.
- We are waiting for our legislative individuals to comment back about our social media initiative to possibly change statutory language in the Ohio law, so that we can look at cases in nursing home facilities where individuals are taking pictures, videos, etc. of residents and posting those on social media.

Beverley Laubert – Ohio State Long Term Care Ombudsman

- On Elder Abuse awareness day we recognized several of our volunteers for service and awarded them the President's Volunteer Service Award. There was one volunteer who gave us over 12,000 hours last year. We are trying to build up our volunteer network. We received a grant to develop some online elder abuse modules specifically in Ohio. Now we are working to figure out how to run the modules and make the online training available.

Marc Baumgarten – Ohio Department of Mental Health and Addiction Services

- Our agency contracts with organizations that actually go into the nursing homes to ensure the residents there are appropriate for nursing home services. There are a couple ways they can determine this. For example, if the individuals have a mental illness, then would they be better served at a psychiatrist facility?, If we go in and determine that someone doesn't meet the nursing home level of care, because of the current regulatory process involving multiple agencies, it may take months to initiate formal action. In the interim, the nursing home can continue billing. We are trying to shorten this time frame issue.



Dr. Rona Factora – American Geriatrics Society

- There is a symposium/conference that has been put together here in Columbus, Ohio to help elder abuse attorneys. This conference will be held in September and will help attorney's become more familiarized with capacity violations by doctors and help attorneys develop tools they can use in these types of cases.

Stephanie Nelson – Supreme Court of Ohio

- Our subcommittee on adult guardianship met last Friday. We had a representative from the Social Security Administration who updated us on what they are doing and how we can potentially collaborate better with payees and guardians. Also, we celebrated the one year anniversary of the guardianship of education. The Judicial College continues to provide the education. We looked at next steps for the subcommittee and we have some forms that we are working on to coordinate with the new rule. Judge Park will be attending the National Guardianship Association meeting and we will be having a WINGS meeting for all states that have that multi-disciplinary team.

Monica Walker- Ohio Attorney General's Office- Elder Justice Unit

- I have recently joined the Elder Justice Unit Team and I bring to the table 18 years of service in the human service and social service sector (primarily non-profits). For the last ten (10) years I have worked with aging and the senior population.

Adreana Tartt – Ohio Department Mental Health and Addiction Services

- I would like to update the group on what the Trauma Informed Care Group is doing. There is going to be more work in regard to curriculum development with aging. Sylvia is going to be a part of those conversations and hopefully they will lead the way in how we get information here at the commission.
 - This commission should look at how we can make a module for trauma informed care for the aging population. There really isn't a lot of information out there and I think it is something we need to work on. We have decided it would be best to create an ad hoc committee to address this issue.

Kaylene Way – Ohio Department of Aging

- We finally have somewhere on our website that details what to do and how to report elder abuse. Only two of our area agencies have a "findable" spot on their website within 60 seconds or less, so we are working to add this feature to the sites to make it simple and easy for users. Also, June was a good month for our agency. We wore purple, took pictures and shared this all on social media for elder abuse awareness.

Cindy Kuhr – Ohio Victim Witness Association

- The Ohio Victim Witness Association is a state-wide association that pulls together advocates across the state of Ohio in many different disciplines, so it is very enclitic [?]. The organization is



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for advocates who represent all victims of crime/ crisis. I attend these meetings and take back information that they can use in their organization. Since our last meeting, I attended a meeting with multiple individuals and one topic was to address at risk individuals with developmental disabilities, including elders. OVWA is updating our website and they are going to provide information on how to report elder abuse.

Alison Rerko – Ohio Alliance to End Sexual Violence

- We are a statewide coalition working to network so we can utilize the expertise across the state.

Vicki Jenkins– Ohio Department of Developmental Disabilities

- One of our initiatives is working with the Supreme Court of Ohio to complete some advanced/additional training for guardians. We are working on the curriculum: what guardians need to know to provide effective services to individuals with developmental disabilities.

Chip Glass- Ohio Department of Health

- We have been working on a dashboard for complaints made as far as surveys for abuse and neglect. This will allow us to track and drill down deeply on all our complaints.

Roslyn Quarto – Empowering and Strengthening Ohio’s People

- No updates.

ELDER JUSTICE ROADMAP DISCUSSION

Judith Brachman- Interests of the Elderly & Sylvia Pla Raith – Ohio Attorney Generals Office

Let’s look at what we discussed last time and what we would like to do in the future. Please let us know all your thoughts, etc.

Most of you were at the last meeting when Georgia Antzeberger discussed the Elder Justice Roadmap. There was a lot of discussion around using the Elder Abuse Commission in a more global way. Looking at elder justice and not just concentrating on Adult Protective Services. One of the things we talked about afterwards was looking at realigning our committees. For example instead of a legislative committee, we would have a research committee. Georgia and Kenny Steinman said they would be happy to chair the research committee. Another new committee would be the education committee which we used to have and it was instrumental in doing some of the public relations activities for the commission. Kelly Igoe has volunteered to chair this committee. We need someone who is interested in overseeing a direct service committee. The policy committee has potentially two takers, Joel Potts and Laura Aabu-Absi. When we come together we do a lot of sharing but we haven’t found out how to use that information and how it ties into other things. We want to take advantage of things that are current that we can use in this group and that follows the group’s mission.

OPEN FOR DISCUSSION



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Is the committee going to set the priorities for that committee or is the commission?

Well, this is why we want to have this discussion because it can work both ways. What we are trying to tackle is the fact that there is fragmentation, so how can we actively put these things together and connect the dots. We need input from the committee members to figure out how that is going to work.

If you are going to sign up for a committee you might want to know what you are working on specifically and is it the plan of the committee to set up some recommendations for how to move forward on those issues (policies, education, etc). Are we able to bring other individuals to the committee meetings? (Yes)

All of you have resources and connections to find committee members. What we are trying to do is connect the dots and there is a lot of good information out there. Another thing we are concerned about is that we are duplicating ourselves and that is not time effective. We need to have a way of really finding out where things are, so we can tap into them.

I was talking with Sylvia yesterday and the Elder Abuse Commission is represented by most aging organizations. When we do work in various other places, some of you are represented in those other groups. We end up having subcommittees that come back to this body in form of communication, and somehow we need to organize this information.

One of the things Judge Stratton did in her committee was hold meetings with all the chairs. They would discuss the overarching mission, and from there they took issues to their committees. Maybe that would work here and that's why we want to identify who would be chairing those committees. We can have a meeting and if you are not in this area, the committee can meet over the phone, to figure out how the committees will work.

ELDER JUSTICE BROCHURE FOR PUBLIC

Judith Brachman- Interests of the Elderly

We wanted to show the group a proposed handout for the public and the question I have for you is: are we addressing the right topic? Are we doing it in a way that the tone is proper? Is this a priority or would you rather do a different topic? What we envisioned was a piece that everyone could hand out, so there would be an opportunity for each individual organization to put their name on the piece, as well as the Attorney General's and have instant information that would be brief enough to give people an understanding that there is something out there that can help and a place they can go to get further information.

OPEN FOR DISCUSSION

I think it would be helpful to focus on risk factors rather than signs of abuse and I think some of the training modules mention that. I think this would be a good idea because the handout is focused on



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prevention. Also, maybe talk about making relationships with elders because this goes a long way in preventing abuse. Look at things in a positive light and building relationships and then maybe talk about risk factors.

During the discussion issues were brought up as to what number should be used. Also, what information should be on the card .If anyone has any further suggestions, issues, etc. they should e-mail Sylvia Pla-Raith to discuss in detail.

MEMBER SPOTLIGHT- OH DEPT. OF MENTAL HEALTH & ADDICTION SERVICES

Stacey Frohnafel-Hasson, Chief of Problem Gambling & Scott Anderson, Problem Gambling Treatment Coordinator

SEE ATTACHMENT TITLED: “**OLDER ADULTS & GAMBLING**”

OPEN DISCUSSION

- What happens when an assisted living or long-term care worker knowingly takes an individual with a mental impairment to a gambling trip? What can you do about the facility when they know the person is impaired but they are encouraging or allowing this to happen?
 - I think that this is more of an ethical issue and could be a civil liability, but we have never heard of anyone ever being charged. If an elderly individual wants to spend all their month’s money on whiskey, they have the right. Although you may think there is a mental impairment, without a medical determination (which is difficult) there is no legal issue.
- Can the guardian or assisted living/long-term care worker fill out the gambling exclusion form for an individual in their care?
 - I don’t think that can happen according to Ohio law, but in other states this is possible. If the judge states that the guardian has the right to exclude someone from the casino, then I believe they would have that right, but otherwise they would not. We have had individuals try to exclude certain types of groups, such as Ohio State trying to exclude all their football players from the casino. Every one of the cases where someone other than the person was requesting this ability to limit someone from the casino, the right was not given. It has to be the person signing up!
- Is the list public record?
 - It is, but there is an exception for it. The exception is for the race tracks since they are run by the lottery and the lottery does not have this exclusion, so the lottery exclusion has to



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be administered by the actual properties which there are 5 different vendors who operate the 7 casinos, so those exclusion lists are unique to those properties.

- Is there any campaign or information about what the risks are or chances of winning at these various arenas that would be easy for people to understand because you are relying a lot on people understanding that?
 - There is a chart with all the gains and losses and they are not good. Ohio casinos are mandated to payout at least 84%, which it sounds like a lot, but with every dollar and minute you pay the odds go down and you are losing at least 16% (16 cents).

ADJOURN