

The Ohio Attorney General's Elder Abuse Commission

**Stronger Together: Mitigating and Protecting
Against Elder Financial Exploitation**

Monday, June 22, 2020

2:00 pm to 4:30 pm



DAVE YOST

OHIO ATTORNEY GENERAL

Housekeeping

- The webinar is being recorded; the link to access will be posted on our website at a later date.
- Please check your speakers and connections prior to calling in for assistance
- All attendees will be muted during the webinar
- Please use the Q and A feature to ask questions.
- We will address questions after each panelist.
- Unanswered questions will be answered following the webinar via email.
- Today slides and handouts will be posted on our website following the webinar.

Ohio Attorney General's Office



Ohio Attorney General's Elder Abuse Commission

Judith Brachman

Chair, Elder Abuse Commission

Interest of the Elderly

Judithyb311@aol.com

<https://www.ohioattorneygeneral.gov/Individuals-and-Families/Seniors/Elder-Abuse-Commission>



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Elder Abuse Commission Education Committee

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Ohio

Mike DeWine, Governor
Jon Husted, Lt. Governor

**Department
of Commerce**

Division of Securities

Sheryl Maxfield, Director

Ohio

Department of
Job and Family Services

Presents in Partnership With



Cleveland Clinic

Ohio

Mike DeWine, Governor
Jon Husted, Lt. Governor

**Department
of Commerce**

Division of Securities

Sheryl Maxfield, Director



Cuyahoga County

Senior and Adult Services

TOGETHER WE THRIVE

Professional Credits

The Office of the Ohio Attorney General has requested approval from the Supreme Court of Ohio Commission on Continuing Legal Education for 2.00 hours of general CLE credit on behalf of this Forum.

2.00 CEU's are awarded to Social Workers and Counselors by the Ohio Human Service Training System (OHSTS). OHSTS is an approved Continuing Education Provider through the Ohio Counselor, Social Worker and Marriage & Family Therapist Board (CSWMFT Provider #RCS091301).

Overview

- Reviewing Ohio and federal statutes
- The latest scams and elder financial fraud
- Strategies for disrupting, intervening and investigating elder financial exploitation
- Working together to fight scams, fraud and elder financial exploitation

Learning Objectives

- Know the various federal and state laws and regulations of authorities when responding to allegations of abuse and financial exploitation;
- Understand the different functions of federal and state sponsored resources can provide and how this work can increase the effectiveness of the providing elder justice services;
- Foster collaboration among those who serve, treat, or represent victims of elder abuse, neglect, and exploitation.

Polling Question

Which of the following do you most identify with?

- Adult Protective Services Professional
- Medical professional
- Legal professional
- Social Services Professional
- Other Professional

Polling Question

Which best describes you, I have been investigating cases of elder financial exploitation for:

- Less than one year
- 2 to 5 years
- 6 to 10 Years
- 11 years or more

Polling Question

What information is most important to you today?

- General information about investigating elder financial exploitation cases.
- Information about addressing common case challenges
- Information to help me develop effective investigative strategies
- Information on how to access additional state and federal resources.

Ohio Attorney General Consumer Protection Section

Melissa G. Wright

Chief – Consumer Protection Section
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OHIO ATTORNEY GENERAL



Ohio Attorney General Consumer Protection Section

Protects Ohio's consumers and businesses by ensuring a safe and strong marketplace through education, dispute resolution, and the enforcement of consumer laws.

Office of the Ohio Attorney General

Consumer Protection Section

- Enforces state and federal consumer protection laws
- Offers Informal Dispute Resolution (IDR) services for consumer complaints
 - Identity Theft Unit
 - Title Defect Recision Unit
 - Elder Justice Unit

Investigation & Litigation

- Investigative Unit
 - 197 civil investigations in 2019
- Legal Unit
 - 39 lawsuits filed in 2019
 - 48 judgments/AVCs in 2019
 - \$25 Million+ in restitution, civil penalties, and other relief in 2019
- Economic Crimes Unit
 - 18 indictments, 18 convictions in 2019

Complaint Unit

- Informal Dispute Resolution
 - AGO Help Center: 800-282-0515
 - 8:00 am -7:00 pm
- Website: www.ohioprotects.org
 - File online
 - Download a PDF complaint form

Complaint Unit

- 2019
 - 21,000+ complaints received
 - 13,297 complaints sent through IDR
 - \$3,544,869.74 recovered

Complaint Unit

Top Complaint Categories – 2019

1. Motor vehicles
2. Shopping, food or beverages
3. Utilities, phone, internet or TV services
4. Professional services
5. Collections, credit reporting or financial services
6. Home or property improvement
7. Non-CSPA/Other
8. Identity theft

Complaint Unit

- 2020
 - 13,175 complaints received
 - 7,606 complaints sent through IDR
 - \$2,340,947 recovered

Complaint Unit

Top Complaint Categories - 2020 (to date)

1. Motor vehicles
2. Shopping, food or beverages
3. Professional services
4. Collections
5. Utilities, phone, internet or TV services
6. Home or property improvements
7. Non-CSPA/Other
8. Non-Jurisdictional
9. Identity Theft

Elder Justice Unit

- Reviews complaints involving elder abuse, fraud and neglect.
- Liaison to Adult Protective Services, law enforcement, and other agencies
- Victim advocacy and assistance
- Since 2014, the EJU has assisted more than 2,050 older Ohioans
 - 199+ trainings, reaching more than 13,026 attendees

Responding to COVID-19

- S.B. No. 301 (Manning/Wilson)
 - Panic Buying
 - Price Gouging
- 2,093 coronavirus-related complaints
 - 1,155 price gouging complaints
- 58 coronavirus-related investigations
 - 45 price gouging
 - 13 scams/refunds/other
- Stimulus Check Complaint

Robocall Enforcement Unit

Complaints/Notifications

- <https://www.ohioprotects.org/robo>
- Text “ROBO” to 888111
- Call 800-282-0515
- Unwanted Call Notification Form
<https://www.ohioprotects.org/Special-Pages/Unwanted-Call-Notification-PDF.aspx>
- 17,453 notifications from March 4, 2020 – June 12, 2020

Robocall Enforcement Unit

The screenshot shows a web browser window with the URL [ohioprotects.org](https://www.ohioprotects.org). The page header includes the Ohio Attorney General logo, navigation links for Alerts, Sign up for an e-Newsletter, and Select Language, along with social media icons for Facebook, Twitter, and YouTube. A phone number, 1-800-282-0515, is displayed in the top right. A dark red navigation bar features the text "OHIO PROTECTS" with stars on either side, and three buttons: "FILE A COMPLAINT", "LEARN ABOUT FRAUD", and "CONTACT US". The main content area is a large image of a hand holding a smartphone. The phone screen shows a call log entry with a white silhouette icon and the text "Unknown". Overlaid on the image is the hashtag "#JUSTDONTANSWER" in white, bold, uppercase letters, flanked by horizontal lines. A URL bar at the bottom left of the browser shows <https://www.ohioprotects.org/file-a-complaint>.

Robocall Enforcement Unit

Publications

- Robocall Basics

https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Consumers/Robocall_Basics_Flyer

- The Do's and Don'ts of Unwanted Calls

https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Consumers/Robocall_Dos_Donts

Robocall BASICS

Robocalls are auto-dialed calls that deliver a prerecorded message.

Legal robocalls: Calls from your doctor's office reminding you of an appointment, your child's school with weather-related information, etc.

Illegal robocalls: Calls that you have not consented to that generally try to get you to pay for something or give away personal information



Signs of an illegal robocall

- The call appears to be coming from your same area code but has no connection to the area.
- The call urges you to act quickly.
- The call requests that you press a number to speak with a representative or unsubscribe.
- The caller requests payment via wire, prepaid money card or gift card.



Robocall smarts



- Register your phone number(s) with the Do Not Call Registry online at www.DoNotCall.gov or by phone at 888-382-1222.
- Research services offered by your phone provider to block unwanted calls.
- Install a trusted and reliable app on your cellphone to block or warn of suspicious calls.
- Add trusted phone numbers to your contacts.
- Limit the people and businesses with whom you share your phone number.
- Answer an incoming call when you don't recognize the number.
- Provide personal or financial information over the phone.
- Interact with the caller in any way. Don't press numbers or speak to anyone.
- Call back unfamiliar phone numbers.
- Always rely on caller ID.

Remember: JUST DON'T ANSWER.



DAVE YOST
OHIO ATTORNEY GENERAL

For more information or assistance, visit
www.OhioProtects.org or call 800-282-0515.





Remember:
**When it comes
to robocalls,
JUST DON'T ANSWER.**

Robocall FAQs

Q: Are robocalls legal?

A: Some robocalls are legal, such as calls from your doctor's office reminding you of an appointment. But other robocalls are illegal – and often used in scams.

Q: I'm on the Do Not Call Registry. Why am I still receiving calls?

A: Many robocalls are placed by scammers who do not check the Do Not Call Registry before calling.

Q: Why am I getting so many robocalls?

A: New technology has made it very easy for scammers to operate. Scammers can now make calls over the internet (known as VoIP) and place thousands of calls at a time at a very low cost.

Q: What are common signs of a robocall scheme?

A: Many robocall schemes impersonate a government agency, such as the IRS. Other plays focus on extended vehicle warranties, credit card interest reduction rates or medical devices. In almost all pitches, the caller expresses urgency for you to act.

If you receive an illegal robocall, report it to the Ohio Attorney General's Office by texting "ROBO" to 888111, calling 800-282-0515 or visiting www.OhioProtects.org.

Q: Why does my caller ID look like the call is coming from my area?

A: This is known as spoofing, a tool scammers use to entice you into answering. With spoofing, scammers hide their real information and use your area code and exchange, or another trusted phone number, to pretend to be legitimate.

Q: Should I pick up or press a number to tell the person to stop calling me?

A: No. By picking up or pressing numbers, you confirm that you have a live phone number. This might cause you to receive more robocalls.

Q: What can I do to stop the calls?

A: While there's nothing that is guaranteed to stop the calls, there are apps offered to combat robocalls. Be sure to download apps from trusted sites, or contact your carrier for recommendations.

Q: What should I do if I receive an illegal robocall?

A: **JUST DON'T ANSWER.** Let the call go to voicemail and then research what is said on the voicemail to see if it's legitimate.



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For more information or assistance, visit
www.OhioProtects.org or call 800-282-0515.

The **Do's &**



Don'ts of Unwanted Calls



- Register your phone number(s) with the Do Not Call Registry online at **www.DoNotCall.gov** or by phone at **1-888-382-1222**.
- Research services offered by your phone provider to block unwanted calls.
- Install a trusted and reliable app on your cellphone to block or warn of suspicious calls.
- Add trusted phone numbers to your contacts.
- Limit the people and businesses with whom you share your phone number.



- Answer an incoming phone call when you don't recognize the number.
- Provide personal or financial information over phone.
- Interact with the caller in any way. Don't press numbers or speak to anyone.
- Call back unfamiliar phone numbers.
- Always rely on Caller ID.

If you receive unwanted
robocalls, report them
to the Ohio Attorney
General's Robocall
Enforcement Unit
by texting "ROBO"
to **888111**, calling
1-800-282-0515
or visiting
www.OhioProtects.org.

REMEMBER:

**When it comes
to robocalls,**

#JUSTDONTANSWER



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Elder Justice Unit

Elder Justice Unit Palm Card

- [https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Elder-Justice-Initiative-Palm-Card-\(PDF\)](https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Elder-Justice-Initiative-Palm-Card-(PDF))



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ELDER JUSTICE UNIT

The Ohio Attorney General's Elder Justice Unit provides leadership and advocacy to combat elder abuse and exploitation throughout the state.

The Attorney General's staff works with law enforcement, prosecutors, adult protective services, and communities to:

- Identify, investigate, and prosecute elder abuse cases.
- Improve services for victims.
- Raise awareness of the warning signs of abuse.
- Build local capacity to protect older adults.



A U.S. Department of Justice study estimates **1 IN 9 AMERICANS 60 AND OLDER** suffers abuse each year. For every case reported to authorities, it is believed **five more go unreported.**

The consequences are tragic, including a **300 percent higher risk of death** among elderly abuse victims, according to a study in the Journal of the American Medical Association. With Ohio's population of older adults expected to grow significantly in coming years, the time to take notice — and action — is now.



PROTECTING ★ THE ★ UNPROTECTED

www.OhioAttorneyGeneral.gov



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Elder abuse can include:

Physical, sexual, verbal, and emotional abuse

Neglect, including abandonment

Financial exploitation, including exerting undue influence

Elder Justice Unit

The unit partners with other Ohio Attorney General staff members in:

- Crime Victim Services
- Bureau of Criminal Investigation
- Special Prosecutions
- Consumer Protection
- Health Care Fraud

The unit helps local communities with:

- Criminal elder abuse and financial exploitation investigations
- Forensic analysis
- Case presentation and prosecution
- Civil elder maltreatment investigations
- Victim advocacy and assistance
- Professional training and technical assistance
- Education and outreach



For more information on the Elder Justice Unit, or to get support for a victim of abuse, neglect, or financial exploitation, call **800-282-0515**.

Elder Justice Unit

Financial Fraud and Exploitation Affecting Older Adults Brochure

- <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Financial-Fraud-and-Exploitation-Older-Adults>

Recognize and Report Patient Abuse and Neglect

- [https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Recognize-and-Report-Patient-Abuse-and-Neglect-\(PD](https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Recognize-and-Report-Patient-Abuse-and-Neglect-(PD)

Elder Justice Unit

Elder Fraud and Financial Exploitation Brochure

- <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Elder-Fraud-and-Financial-Exploitation>

Phone Scams Checklist

- <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Phone-Scams-Checklist>

Elder Justice Unit

Cyber Smarts for Older Adults Flyer

- <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Seniors-Publications/Cybersmarts-for-Older-Adults-Flyer>

CyberSmarts for OLDER ADULTS



Many older adults are vulnerable to scams when using computers, tablets and smartphones. Whether using technology in public or at home, you can help protect yourself and loved ones from fraud or financial exploitation.

Internet tips

- Install and use a pop-up blocker. Pop-up blockers are often available free, including within some internet browsers.
- Use a secure website whenever you purchase items online. Secure web addresses begin with "https" rather than "http."
- When conducting internet searches, remember that the top search results may not always be from legitimate companies or agencies.
- To reduce security and privacy risks, log out of websites when you're finished.

TRY-IT TIP!
When searching the internet, try scrolling past websites that may populate first but be labeled as "Ads" or "Sponsored."

Wireless/Wi-Fi tips

- Verify the specific network name with the network owner before connecting to Wi-Fi.
- Never disclose personal information – passwords and credit card numbers included – when using a public Wi-Fi connection.
- Assume that everyone can see what you're doing when you use a public network.
- Do not set your devices to automatically connect to any public Wi-Fi networks.

Email tips

- Never respond to unexpected requests for your personal information, even if the sender appears to have some details about you or your account. Scammers may pretend to be your bank, your credit card company or a government agency and may ask you to confirm your account by submitting your account number, password and/or Social Security number.
- Do not click on links, open attachments or download anything from a suspicious message, even when they appear to be from a friend or trusted source.

Social-media tips

- When on social media, change privacy settings to meet your needs. Understand that when you leave your account "public," anyone can see information about you, including your pictures and names of your family members and friends.
- Watch out for scammers who may impersonate your social-media friends or who may tell you that they need money or unexpectedly have money to give to you.
- Imagine this: Imagine a scammer finds your social-media page. Could he or she pretend to know more about you to make a scam seem real? For instance, could the scammer pretend to know your grandchild's name is "Timmy"? Would that make a call from a scammer claiming to be "Timmy" seem more real?



TRY-IT TIP!
Scammers often disguise the name displayed to you in an email. To verify the actual email address, try hovering your cursor over the sender's name display.

Computer maintenance tips

- Install and maintain an anti-virus and anti-spyware program. Set the program to update automatically or check regularly for updates because new viruses are launched all the time. Do not buy protection software and services based on telephone calls, pop-up advertisements, unexpected virus warnings or email messages claiming that your device has a virus. They are probably scams.
- Visit www.staysafeonline.org for a list of free security products that scan for and detect malware.





Warning signs of fraud or financial exploitation

- Requests to send money via wire transfer, gift card or prepaid money card.
- Pressure to act immediately.
- Guarantees to make money quickly.
- Requests to keep conversations or relationships a secret.
- Anti-virus scan results indicate the presence of malware or other threats on your device.
- Unexplained withdrawals from your bank account, charges to your credit card or missing cash.
- Calls regarding unpaid bills.

Common risk factors

- Older adults who are socially or physically isolated.
- Older adults who rely on others to handle their finances.
- Older adults who have recently lost a loved one, especially if that person handled the older adult's finances.
- Older adults who suffer from the ailments of aging, a physical or mental impairment, memory issues or other disabilities.

To avoid potential financial fraud or exploitation online

- Be leery of those who contact you unexpectedly, even if they say they are from a trusted organization or the government, and even if the message appears to be legitimate.
- Never give out personal information such as your Social Security number or bank account number to someone over the internet unless it's a transaction you've initiated.
- Never allow remote access to your computer from an outside source.
- Use a complex, unique password or passphrase for each of your online accounts.
- Limit the amount and type of information you post on social media.
- Read websites and emails carefully - if there are grammar mistakes, it's often the red flag of a scam.
- Always remember: If it sounds too good to be true, it probably is!

Q: What is malware?

A. Malware is malicious software designed to infect your device and spread to other devices. Some malware will show you pop-up advertisements, spy for personal information on your device or even lock your computer.

To report fraud or financial exploitation

- Contact your local police department.
- Contact your local Adult Protective Services office.
- Contact the Ohio Attorney General's Office.

Ohio services and resources

- **Ohio Attorney General's Office:** To learn more about the Elder Justice Unit, to request a cybersecurity presentation or to file a complaint, call 1-800-282-0515 or visit www.OhioAttorneyGeneral.gov.
- **Adult Protective Services:** For services that help vulnerable adults ages 60 and older who are in danger of harm, are unable to protect themselves and may have no one to help them, call 1-855-OHIO-APS (1-855-6446-277) or visit http://dfs.ohio.gov/county/County_Directory.pdf.
- **The Ohio Department of Aging:** To learn more about the Long-Term Care Ombudsman Program and/or advocate for older adults receiving home care, assisted living care and nursing home care, call 1-800-282-1206 or visit www.aging.ohio.gov.
- **ProSeniors:** For free legal assistance for adults ages 60 and older, call 1-800-488-6070 or visit www.proseniors.org.

Cyber services and resources

Federal Trade Commission: OnGuardOnline
 > www.FTC.gov/OnGuardOnline

Internet Crime Complaint Center
 > www.ic3.gov

STOP.THINK.CONNECT.
 > www.stopthinkconnect.org



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For more information or assistance, visit
www.OhioAttorneyGeneral.gov or call 800-282-0515.

Elder Abuse Commission AGO Updates

How May We Help You?



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OHIO ATTORNEY GENERAL



In This Section

Direct Practice Committee

Education Committee

Policy Committee

Research Committee

Elder Abuse Awareness Day

Elder Abuse Commission Members

Elder Abuse Commission Meetings

[Individuals and Families](#) > [Seniors](#) > Elder Abuse Commission

Elder Abuse Commission

Elder abuse has serious and devastating effects on growing numbers of individuals. As Ohio's older population steadily increases, so does the need for adequate protection. There is growing concern about the treatment of offenses committed against the elderly as less than the serious crimes they are. Requests for assistance from the Attorney General are common. Victims, their families, and concerned citizens contact the Attorney General's Office to relay concerns of elder abuse. These requests often come after attempts to work with the local authorities have been unsuccessful. The victims often express frustration that their offenders have not been held accountable.

In 2009, the Attorney General's Elder Abuse Commission was established to improve education efforts, boost research, and raise awareness of the devastating effects of elder abuse and exploitation of older Ohioans. The Commission provides a forum for improving elder justice throughout the state in addition to identifying funding, programming needs, and finding solutions.

Consumer Protection



Federal Trade Commission

Harris A. Senturia

East Central Region

Federal Trade Commission

1111 Superior Avenue, Suite 200

Cleveland, Ohio 44114-2507

Tel: (216) 263-3420

hsenturia@ftc.gov



The views expressed are those of the speaker and not necessarily those of the FTC or any other person



Coronavirus Scams

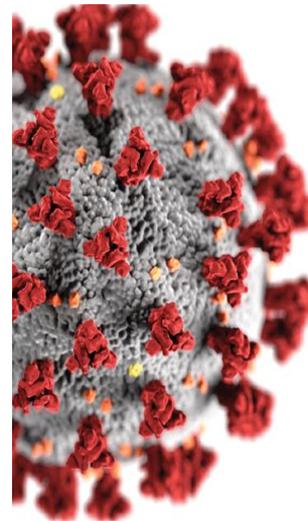
Tips from the FTC

ftc.gov/coronavirus

Source: Federal Trade Commission | [FTC.gov](https://ftc.gov)

Treatments & Cures

- Vaccine offers
- Test kit offers
- Miracle cures
- Medicare-related scams



Coronavirus cure?

Not so fast.

Learn the facts at
[ftc.gov/coronavirus](https://www.ftc.gov/coronavirus)

Source: Federal Trade Commission | FTC.gov

Government Stimulus Checks

- The government will not ask you to pay up front to get any money
- The government will not ask for your SSN, bank account, or credit card number
- Anyone who tells you they can get you money NOW is a scammer.

Fake Charities

- Often appear with crises
- Before you give: do your homework
- If you give, never pay by cash, gift card or money transfer.
- [ftc.gov/charity](https://www.ftc.gov/charity)



PROTECTING OLDER CONSUMERS

————— **2018-2019** —————

A Report of the Federal Trade Commission

Older consumers were less likely than people 20-59 to report losing money to fraud

FIGURE 1: 2018 FRAUD LOSS AND NO-LOSS REPORTS PER MILLION POPULATION BY AGE

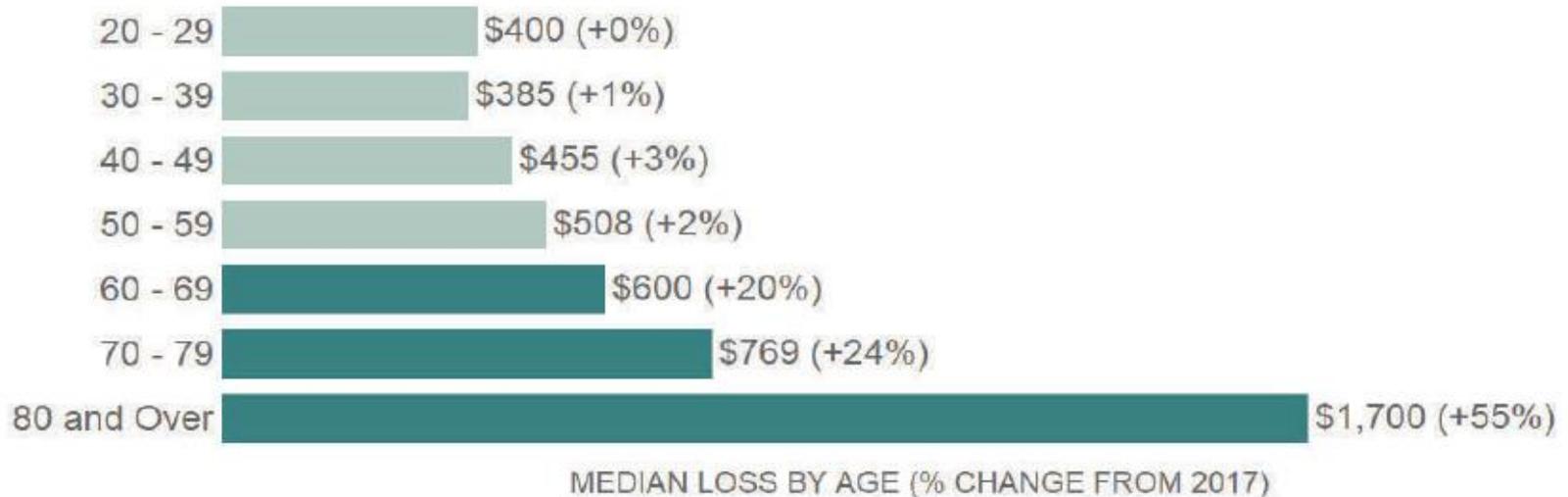
Older adults were 93% more likely than consumers ages 20-59 to file fraud reports with no reported dollar loss, but 19% less likely to file fraud reports indicating that they had lost money.



... but when older consumers did report losing money, their median losses were much higher

FIGURE 2: 2018 MEDIAN INDIVIDUAL MONETARY LOSS REPORTED BY AGE

Older adults reported higher median losses than younger age groups as well as large increases in median losses compared to 2017.

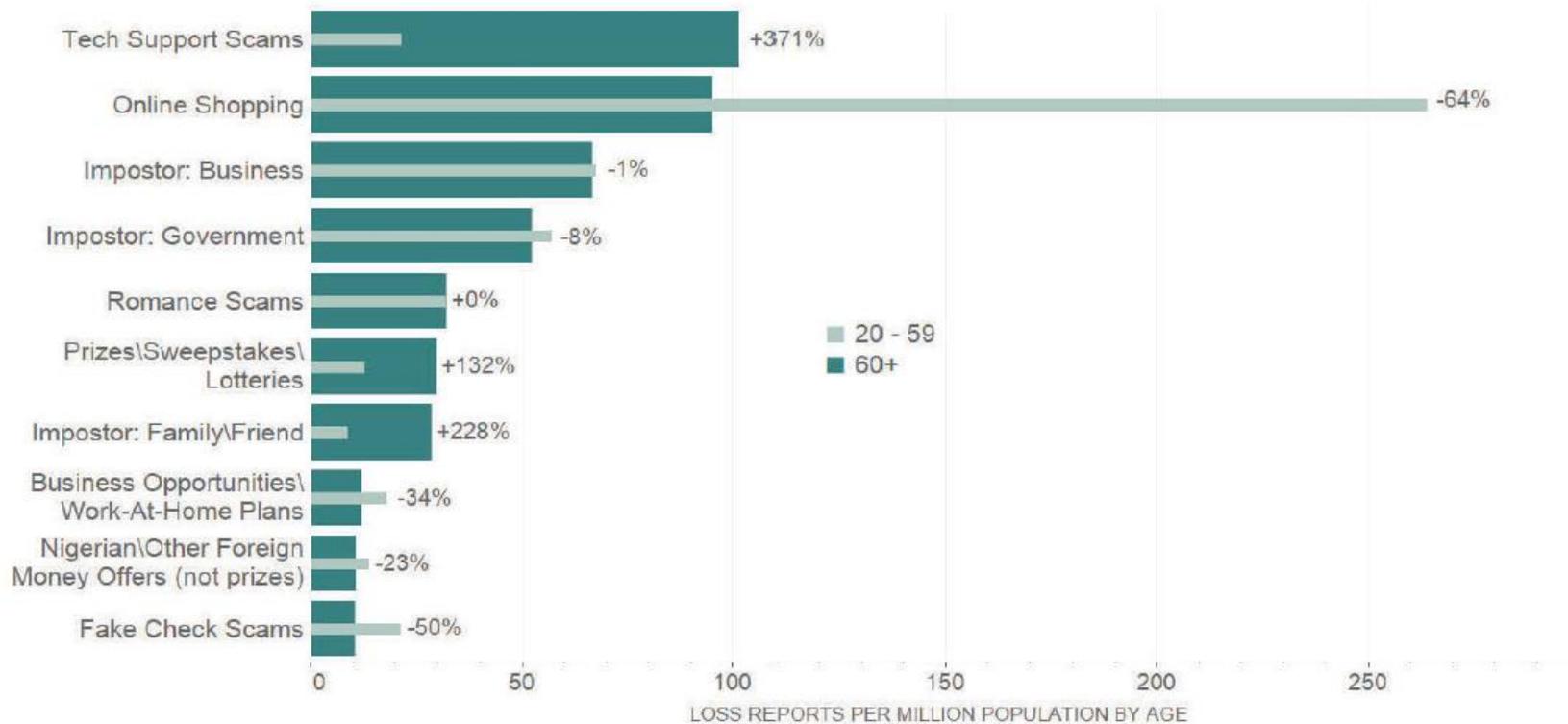


Percent change from 2017 shown in parenthesis. Median losses calculated based on reports in each age group indicating a monetary loss of \$1 to \$999,999.

Older consumers report losses to some scams at vastly disproportionate rates

FIGURE 3: 2018 LOSS REPORTS BY AGE AND FRAUD TYPE

Older and younger consumers differ on loss reporting rates by fraud type. Percentages indicate the difference in the loss reporting rates for each fraud type by older adults as compared to consumers ages 20-59.



Fraud types ranked by the number of loss reports filed by consumers 60 and over. Sentinel fraud types classified as "unspecified" are excluded.



...Pass it ON



- FTC's ongoing fraud prevention campaign for older adults
- Respects readers' life experience and provides resources they can read and "pass on" to family and friends
- Materials briefly summarize how certain scams work and what the reader can do in response



...Pass it ON



- Imposter scams
- Identity theft
- Charity fraud
- Health care scams
- Paying too much
- “You’ve won” scams
- Unwanted calls
- Online dating scams
- Home repair scams
- Tech support scams
- Grandkid scams
- Work at home scams
- Money mule scams
- IRS imposter scams

Stay Informed

- Get the FTC's Consumer Alerts: [ftc.gov/subscribe](https://www.ftc.gov/subscribe)
- Report scams or questionable claims: [ftc.gov/complaint](https://www.ftc.gov/complaint)
- Find Pass It On resources: [ftc.gov/passiton](https://www.ftc.gov/passiton)
- Know the latest on the Coronavirus
 - Health info: www.coronavirus.gov
 - COVID-19 Scams: [ftc.gov/coronavirus](https://www.ftc.gov/coronavirus)
 - Federal gov't response: [usa.gov/coronavirus](https://www.usa.gov/coronavirus)

Use and Share Free FTC Resources

www.FTC.gov/bulkorder

Identity Theft

What to know, What to do

10
things you
can do to
**AVOID
FRAUD**



How to stop unwanted calls
ON A LANDLINE

See what services
your **carrier** offers.



Install a **call-blocking device**.

Some use **blacklists** to

- stop unwanted calls
- divert calls to voicemail

Some use **whitelists** of
approved numbers.



Some services
are **free**, but
others charge
a monthly **fee**.



Report unwanted calls at
ftc.gov/complaint

FEDERAL TRADE COMMISSION • ftc.gov/calls



...Pass it ON



Federal Trade Commission



Elder Justice Initiative

Brian M. McDonough | Assistant United States Attorney
White Collar Crimes Unit | Elder Justice Coordinator
United States Court House | 801 West Superior Avenue,
Suite 400 | Cleveland, Ohio 44113
W: 216.622.3965 | Brian.McDonough@usdoj.gov



U.S. Department of Justice



U.S. Department of Justice

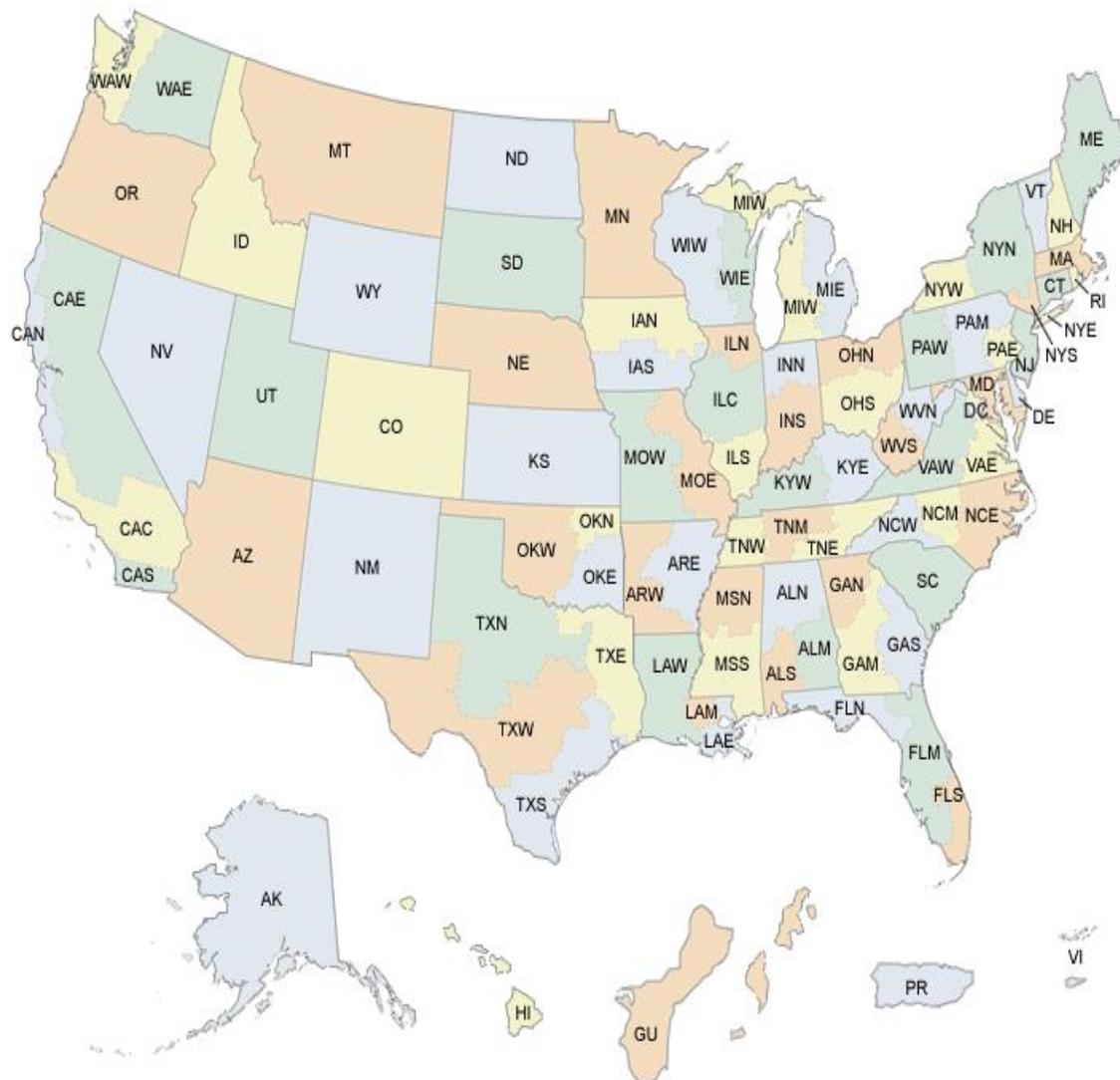


U.S. Attorney's Office



Justin E. Herdman
U.S. Attorney

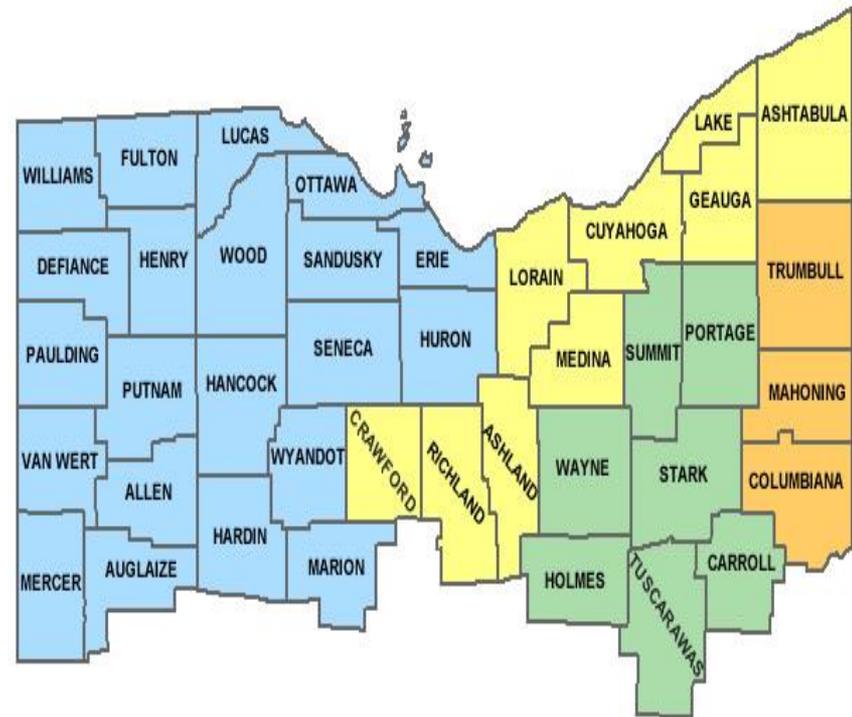
U.S. Attorney's Offices



93 U.S.
Attorney's
Offices in the
United States

U.S. Attorney's Office Northern District of Ohio

- 40 of Ohio's 88 counties
- Population of approximately 6.5 million people
- Divided into two Divisions:
 - **Western**
 - Toledo
 - **Eastern**
 - Cleveland
 - Akron
 - Youngstown



Department of Justice

Top Priority



**NATIONAL ELDER
FRAUD HOTLINE**

1-833-FRAUD-11

1-833-372-8311

Five Popular Scams

1. Romance Scams
2. Lottery Scams
3. Tech Support Scams
4. Government Imposter Scams
5. Business Email Compromise Scams



Resources



Ohio Attorney General
1-800-282-0515



Federal Trade Commission
1-877-382-4357



Better Business Bureau
216-241-7678

Resources

elderjustice.gov



Elder Justice Initiative



Please Stay Tuned!

We are taking
a 10-minute break and the webinar
will resume shortly.

Thank you~

The Ohio Attorney General's Elder Abuse Commission

Ohio Department of Commerce

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Ohio

Mike DeWine, Governor
Jon Husted, Lt. Governor

**Department
of Commerce**

Division of Securities

Sheryl Maxfield, Director



Ohio Department of Commerce

- The Ohio Department of Commerce is focused on equipping businesses and protecting consumers.
- Commerce has seven divisions, including the Division of Securities.
- Our goal is to keep Ohioan's safe, sound and secure.



Ohio Department of Commerce

Division of Securities

Goal

An honest and fair securities market, which balances capital formation with investor protection.

Mission

“The Division of Securities administers and enforces the Ohio Securities Act...”

Ohio Department of Commerce

Division of Securities Programs

Enforcement

- Administrative
- Civil
- Criminal

Licensing

Registration

Administration

Division Statistics (Fiscal Year 2019)

Enforcement

- 13 Notices of Opportunity for Hearing
- 14 Final Orders / Cease & Desist Orders / Consent Orders
- 11 Criminal Indictments
- 8 Criminal Convictions
- \$1,878,955 in Restitution

Licensing

- 210,353 Professionals
- 4,840 Firms

Registration

- 8,059 Products Registered (New & Renewals)

Ohio Securities Act

(R.C. § 1707.01 *et seq.*)

Office of the Attorney-Inspector (R.C. § 1707.36)

– Criminal Justice Agency

Enforcement Powers (R.C. § 1707.23)

Prohibited Acts (R.C. § 1707.44)

Penalties (R.C. § 1707.99)

Education & Outreach Efforts

Full-time Investor Education & Outreach
Manager

Annual Ohio Securities Conference

Ohio Securities Bulletin (quarterly)

FY2019 Activities

- 34 Outreach Events (Seniors, Law Enforcement, Prosecutors, Financial Industry Representatives, Social Workers, Church & Social Groups)
- Connected with more than 4,800 Ohioans

Partnerships

Federal

- SEC, FINRA, FBI, U.S. Postal Inspection Service

State

- Attorney General / BCI, Department of Insurance, Other State Securities Agencies

Local

- Local Police Departments, County Sheriffs, County Prosecutors

Division Resources

Division Website (com.ohio.gov/secu)

Investors & Public

- Becoming An Informed Investor
- Check Before You Invest
- How to Read Your Brokerage Statement

Industry Professionals

- New Mandatory Reporting Requirements for Suspected Elder Abuse and Financial Exploitation
- Ohio Investment Adviser and IAR Handbook

Other Resources

North American Securities Administrators
Association (NASAA)

– NASAA.org

BrokerCheck

– Brokercheck.finra.org

Investor.gov

Ohio Department of Commerce



Adult Protective Services

Natasha Pietrocola

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216-420-6761

OCAPS Board Chair



Cuyahoga County
Senior and Adult Services

TOGETHER WE THRIVE

Polling Question

APS has jurisdiction to investigate allegation(s) of abuse neglect, neglect and exploitation of adults who are under the age of 60 years old. Is the statement true or false?

True

False

APS Investigations

(ORC 5101.60-5101.71)

- Adults 60 and older
- Must be impaired or disabled (functional and/or mental impairment)
- Must be an allegation of A/N/E
- Reside in the community

- *Keep in mind adults who are abused have a 300% higher risk of death when compared to those who are not subjected to mistreatment*
- *In 60% of elder abuse cases, the perpetrator is family*
- *While likely underreported, elder exploitation ends up costing older Americans \$36.5 billion per year*

APS COVID - 19 Response

- Staff continues to meet the state mandate of conducting a face-to-face home visit in 72 hours for non-emergency clients and 24 hours for emergencies.
- When reports are accepted where clients are hospitalized or in skilled nursing facilities, APS social workers will contact professionals at these sites to arrange for an initial visit if possible and coordinate care plans via conference calls. We have seen some restrictions lifted with in-person meetings
- For existing stable clients and case closures, staff are expected to contact the client by phone.
- Non-validated reports are also closed via phone call, closing letter sent to the client.
- We are utilizing zoom meetings for court hearings that involve Protective Service Orders and guardianships. PSOs no delay, guardianship taking a little longer.
- We continue to have reports from our on-line tool / web-portal (March 51 reports, April 30 reports, May 39 reports) main source is typically medical providers.

Financial Exploitation

The unlawful or improper act of a **person*** using, in one or more transactions, an adult or an adult's resources for monetary or person benefit, profit or gain when the person obtained or exerted control over the adult's resources in any of the following ways:

- 1) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf
- 2) Beyond the scope of the express or implied consent of the adult or the person authorized to give consent on the adult's behalf
- 3) By deception
- 4) By threat
- 5) By intimidation

Indicators of Exploitation

- Abrupt changes in a will or other financial documents, “new friend”
- Unexplained disappearance of funds or valuable possessions
- Bills are unpaid despite the availability of adequate financial resources
- Forging the elder's signature on financial transactions and titles of his/her possessions
- Uninvolved relatives claiming their rights to an elder's affairs and possessions

APS Court Interventions

- Ohio law has been amended several times. There were specific changes made to take legal action for those where evidence shows exploitation has occurred with a Protective Service Order.
- **5101.69 Temporary restraining order to restrain person from interfering with provision of protective services..**
- (A) If an adult has consented to the provision of protective services but any other person refuses to allow such provision, the county department of job and family services or the county prosecutor may petition the court for a temporary restraining order to restrain the person from interfering with the provision of protective services for the adult.
- (B) The petition shall state specific facts sufficient to demonstrate the need for protective services, the consent of the adult, and the refusal of some other person to allow the provision of these services.

APS Court Interventions

- (C) Notice of the petition shall be given in language reasonably understandable to the person alleged to be interfering with the provision of services;
- (D) The court shall hold a hearing on the petition within fourteen days after its filing. If the court finds that the protective services are necessary, that the adult has consented to the provision of such services, and that the person who is the subject of the petition has prevented such provision, the court shall issue a temporary restraining order to restrain the person from interfering with the provision of protective services to the adult.

Immunity for Reporting

- Any person with reasonable cause to believe an adult is suffering abuse, neglect, or exploitation, who makes a report, testifies or acts responsibly in the discharge of their official duties
- **SHALL BE IMMUNE FROM CIVIL/CRIMINAL LIABILITY**
- *unless the person acted in bad faith or with malicious purpose*

APS Risk Assessment

- Assess the adult's mental status for memory impairment, cognitive deficits and orientation to person, place and time
- Assess the client's physical status (ADLs/IADLs)
- Dependencies on other's
- Risk Factor's – support system, illness, financial status, decision-makers
- Social worker interviews people involved with the adult
- Social worker reviews bills, banking, medical needs

Financial Exploitation Investigations

Division of Senior & Adult Services
Adult Protective Services Financial Exploitation Risk Form

Client Name		Worker	
Case Number		Date	
WORKER'S OBSERVATIONS			
<ul style="list-style-type: none"> ❖ Large amount of mail. ❖ Promotional gifts (Say No to Drugs, etc.). ❖ Notes near phone about repayments, money orders or Western Union. ❖ Checks or payment envelopes lying around. ❖ Recent repairs or home improvement proposals ❖ Unpaid bills, eviction notices d/t non-payment ❖ Does have any documentation about her financial affairs or arrangements. ❖ The elder is unaware of, or does not understand, the financial arrangements that have been made for her/him. ❖ The elder appears fearful or submissiveness towards the caretaker. 			
QUESTIONS		N/A	COMMENTS
Sources of income? Amount?			
Bank accounts/type: Deposits?			
Who are the authorized signers on the elder's accounts?			

Incapacitated Person

ORC 5101.60

means a person who is impaired for any reason to the extent that the person **lacks sufficient understanding or capacity to make and carry out reasonable decisions*** concerning the person's **self or resources**, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determination that the person is incapacitated.

***reasonable decisions** are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support

General Capacity

(What do we look for?)

- Awareness of the situation
- Factual understanding of the issues
- Appreciation of the likely consequences
- Rational manipulation of information
- Functioning in one's own environment
- Extent of demands on client

****Mini Mental exam by itself isn't enough*

4 Client Scenario Outcomes

- Capacity – Willing to Accept Services
- Capacity – Not Willing to Accept Services
- Incapacity – Willing to Accept Services
- Incapacity - Not Willing to Accept Services

Incompetence

ORC 2111.02

Any person who is *so mentally impaired* as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, *that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide*, or any person confined to a correctional institution within this state.

Adult Protective Services



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Cleveland Clinic



Polling Question

20% percent of adults over the age of 85 have some type of dementia diagnoses.

Is this a true or false statement?

True

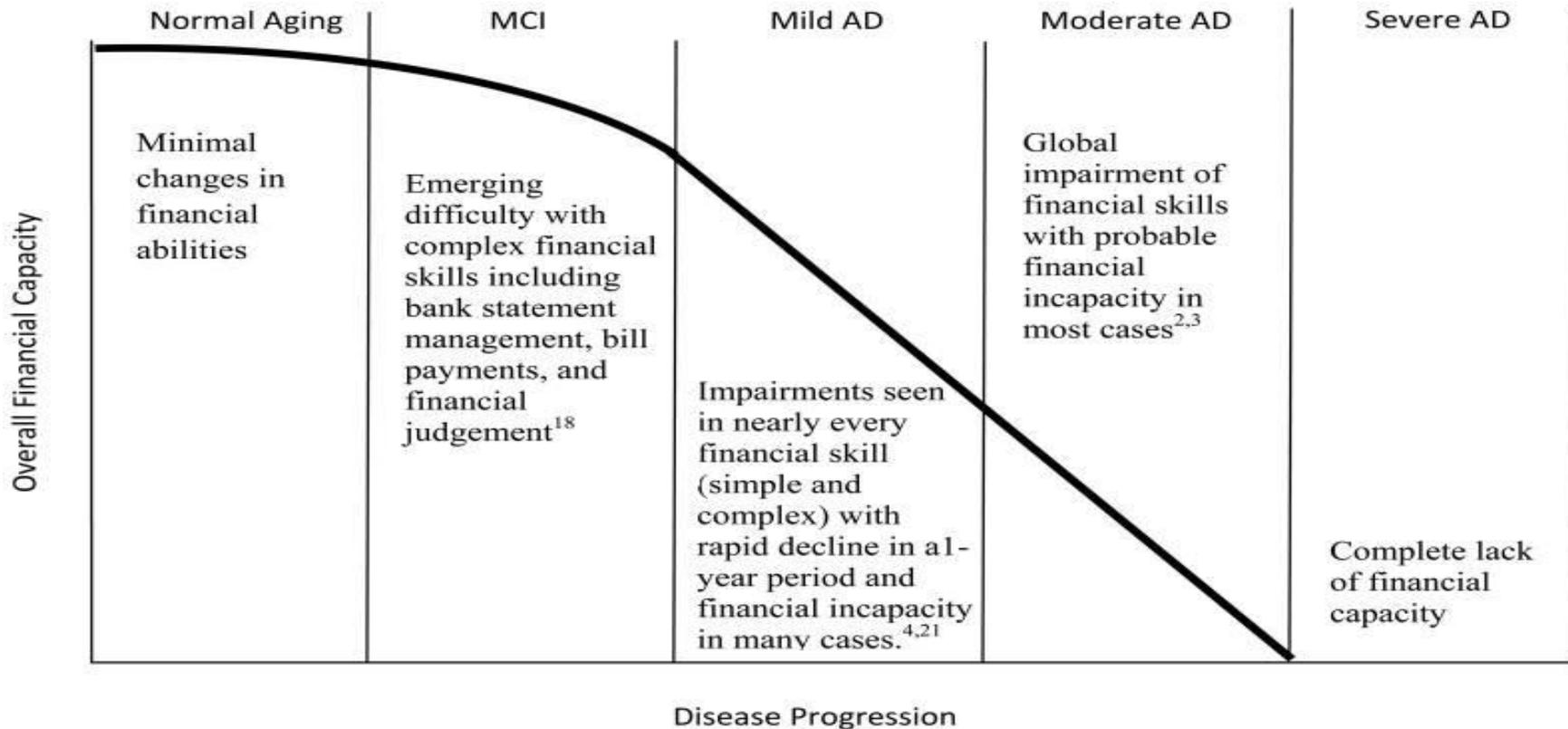
False



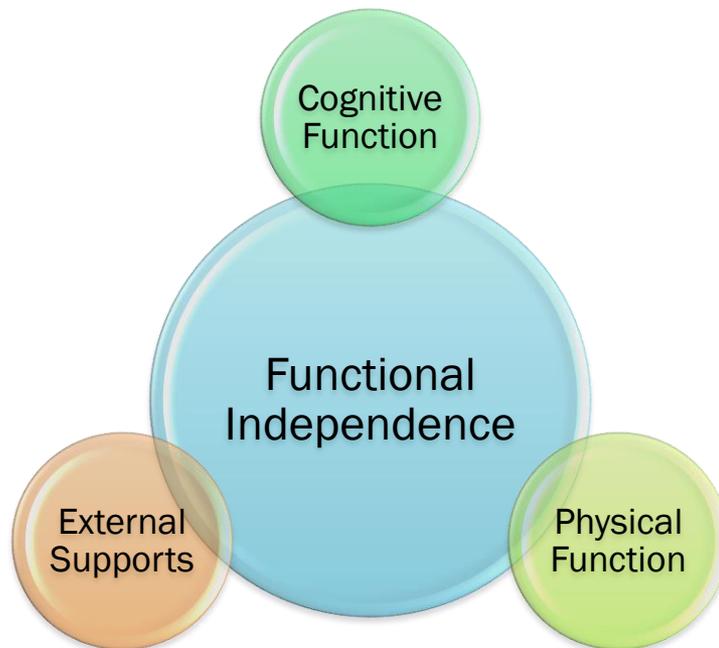
CLEVELAND CLINIC “SUCCESSFUL AGING” PROGRAM

4 “M”s	INCLUDED PER ANNUAL VISIT
M ENTATION	<ul style="list-style-type: none">• COGNITIVE / BRAIN HEALTH SCREENING• DEPRESSION/ CAREGIVER STRESS/ ELDER ABUSE SCREENS• BEHAVIORAL MGMT/DRIVING DISCUSSION• ALZ ASSOC. REFERRALS AND SMAS POSSIBLE
M OBILITY	COMPREHENSIVE FALLS AND FRAILTY ASSESSMENTS
M EDICATIONS	IN DEPTH ANALYSIS OF HIGH RISK MEDICATIONS & INTERACTIONS WITH GERI PHARMACIST
WHAT M ATTERS MOST	INITIATION OF DISCUSSION AROUND HEALTH CARE GOALS

Decline in Cognition vs. Overall Financial Capacity



Geriatric Assessment

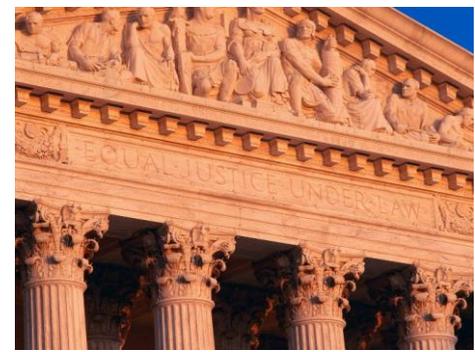


- Confirmation and clarification of medical problems
- Optimization of chronic medical conditions
- Recovery and preservation of function
- Provision of supports
- Maintenance of independence
- Aging in place

Geriatric Syndromes

- Weight Loss - Malnutrition
- Deconditioning, Gait and Balance Impairment, Falls
- Polypharmacy
- Urinary Incontinence
- Chronic Pain Management
- Frailty
- Functional Impairment
- Cognitive Impairment – Delirium, Depression, Dementia

Competence vs. Capacity



- ***Competence:***
 - A legal state, not a medical one
 - The degree of mental soundness necessary to make decisions about a specific issue or to carry out a specific act
 - All adults are presumed to be competent unless adjudicated otherwise by a court.
- ***Incompetence***
 - Defined by one's functional deficits (e.g., due to mental illness, mental retardation or other mental condition)
 - Sufficiently great that the person cannot meet the demands of a specific decision-making situation, weighed in light of its potential consequences (Grisso et al., 1995)
 - **Only a court can make a determination of incompetence.**

Competence vs. Capacity



- Capacity
 - An individual's ability to make an informed decision
 - Any licensed physician may make a determination of capacity.
 - An individual who lacks capacity to make an informed decision or give consent may need to be referred for a competency hearing or need to have a guardian appointed.

Assessing Insight and Judgment

- Do you understand your current situation?
- What would you do if...?
- What would happen if...?
- How could you prevent or avoid...?

Framework Elements of Capacity Determination

1. Understand the relevant information about proposed diagnostic tests or treatment
2. Appreciate their situation (including their underlying values and current medical situation)
3. Use reason to make a decision, and
4. Communicate their choice

Functional Status

Foundation of Discussion

- Impairment vs Independence
 - Basic ADLs and IADLs
 - Advanced ADLs
- Self identified vs. Reported
- Cause of impairment:
 - Sensory
 - Physical
 - Cognitive



WHAT ARE iADLS?

The Instrumental Activities of Daily Living



- Explanation for differences in observations

The Devil is in the Details

- Understand and Appreciate
 - Hypothetical situations concerning relevant issues (subjective)
 - Confrontation with known events (objective)
- Reasoning to make a choice
 - Don't need to agree with choice, but reasoning is "sound" (subjective)
- Communicate the choice
 - Problems with understanding question (receptive problem, cognitive issue)
 - Problems with communicating choice (cognitive issue, communication issue)

Medical Evaluation of Cognitive Impairment

- Known medical/mental illness contributing
 - Chronic illness effects/exacerbation
 - Acute illness - delirium
- Medications – expected and side effects
- Undiagnosed medical problems
- Undiagnosed mood disorder
- Undiagnosed cognitive disorder

Cognitive Evaluation Options

- General cognitive evaluation
 - Folstein Mini-Mental State Examination
 - Montreal Cognitive Assessment
 - St. Louis University Mental Status Examination
- Specific cognitive evaluations
 - Boston Naming
 - Trails B
- Advanced evaluations
 - Formal neuropsychiatric testing: reserved for highly educated, high intellect, cases where office based testing would not detect deficits, or cases where mood disorders may confound testing

Cognitive Evaluation - Interpretation

- Total Score
 - Normal vs. abnormal (standardized cut offs)
 - Expected vs not expected (norms for age/education)
- Identify areas of cognitive impairment
 - Memory
 - Visuospatial skills
 - Language
 - Executive function
- What is the explanation for the impairments
 - Link back to medical evaluation

Does My Patient Lack Decision Making Capacity?

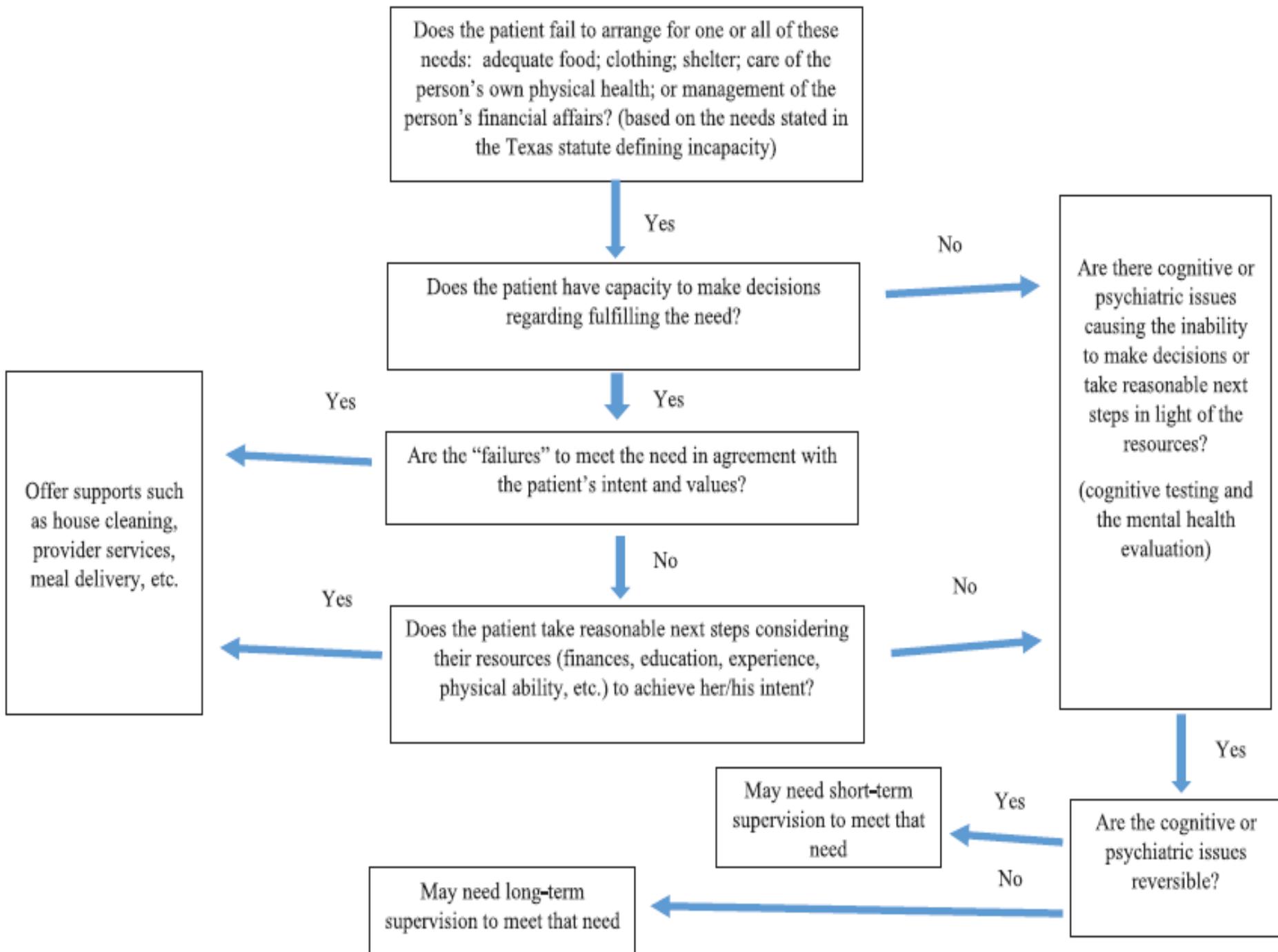
- Is functional impairment present?
- Does cognitive impairment explain functional impairment?
- Does the patient recognize impairment is present?
- Does the patient recognize impairment's impact?
- If the patient does not recognize the presence or impact of cognitive impairment, have decisions been made that negatively impact independent ability to manage personal care needs? (insight)
- Has this person resisted interventions to help meet personal care needs? (judgment)
- What is the probability that the impairment will resolve?

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Capacity evaluations for adult protective services: videoconference or in-person interviews

John M. Halphen, Carmel B. Dyer, Jessica L. Lee, Carlos A. Reyes-Ortiz,
Cristina C. Murdock, Julia A. Hiner & Jason Burnett



Cleveland Clinic



Ohio Attorney General's Elder Abuse Commission

<https://www.ohioattorneygeneral.gov/Individuals-and-Families/Seniors/Elder-Abuse-Commission>

For more information on the Elder Abuse Commission, contact Sylvia Pla-Raith by email at Sylvia.Pla-Raith@OhioAttorneyGeneral.gov or call **800-252-0515**.