



MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

**OHIO ATTORNEY GENERAL'S ELDER ABUSE COMMISSION
JUNE MEETING MINUTES
VERN RIFFE CENTER FOR GOVERNMENT AND THE ARTS
77 SOUTH HIGH STREET, 31ST FLOOR
WEST B & C CONFERENCE ROOM
MONDAY, JUNE 27, 2011
9:30 AM – 3:30 PM**

MEMBERS PRESENT

NAME

Andrew Capehart
Oliver Corbin
Debra Downing
Dustin Ellinger
Cindy Farson
Frank Fleischer
Christine Haenszel
Steve Hanson
Roland Hornbostel
Vicki Jenkins
Cindy Kuhr
Jo Simonsen
Wayne Summerville
Thomas Swift
John Thatcher
Karla Warren

REPRESENTING

Ohio Coalition for Adult Protective Services
Ohio Department of Public Safety
County Commissioners Association of Ohio
Ohio Department of Health
Ohio Association of Area Agencies on Aging
Ohio Coalition for Adult Protective Services
Ohio Attorney General's Office – Healthcare Fraud
Supreme Court of Ohio*
Ohio Department of Aging
Ohio Department of Developmental Disabilities
Ohio Victim Witness Association
Ohio Domestic Violence Network
Ohio Department of Job and Family Services
Ohio Association of Probate Judges
Ohio Prosecuting Attorneys Association
Ohio Department of Aging

Ursel McElroy

Ohio Attorney General's Office

WELCOME – Ursel McElroy

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

REVIEW MAY MEETING MINUTES – Commission

- May 23, 2011 meeting minutes amended and approved.

ANNOUNCEMENTS – Commission

S. Hanson

- The date for the National Judicial Institute on Domestic Violence: Enhancing Judicial Skills in Elder Abuse Cases has been changed to August 29-30, 2011 in Columbus, Ohio. The event will run concurrent with the Ohio Summit on Aging Follow Up Event. Both events will be hosted by the Ohio Attorney General's Office, Supreme Court of Ohio and the Ohio Association of Probate Judges.

* Marissa Doyle – Supreme Court of Ohio intern present

Additional information can be found at www.ohioattorneygeneral.gov/2011JudicialElderAbuseSkills and www.ohioattorneygeneral.gov/2011PostAgingSummit.

UNFINISHED BUSINESS – Commission

2012 Meeting Schedule

- Discussed meeting schedule for 2012. There was consensus that the commission will reduce the frequency of meetings from monthly to every other month beginning February 2012. Subcommittees will continue to meet as often as needed in person or via teleconference to complete tasks.

Outstanding Action Items

- Establish the Commission as the lead organization for information and exchange in Ohio regarding the Elder Justice Act.
 - Review the status of the Act after Labor Day 2011.
 - If funding becomes available, based on a competitive formula, begin to strategize.
- Examine the feasibility of creating an Ohio registry.
 - Review by Justice Subcommittee will be completed by 2011.
 - If deemed appropriate, pursue legislation.
- Expand the capacity to investigate and prosecute elder abuse cases, with an emphasis on financial exploitation.
 - Originally assigned to full body, the topic is under review by the Justice Subcommittee and will be completed by 2011.
 - If deemed appropriate, pursue legislation.
- Advocate for stable funding in Ohio to address elder abuse.
 - Under review by full body.
 - The Ohio Coalition for Adult Protective Services is currently working with Senator Jimmy Stewart to sponsor legislation that would impose a fee on funerals. Fees collected would be used for Adult Protective Services. F. Fleischer agreed to provide draft from Legislative Service Commission for review by commission.
- Host a symposium in 2011 to generate interest in elder abuse research.
 - Completed by Research Subcommittee.

Legislation

- Rep. Mike Dovilla [R-18th District] has expressed an interest in the elder abuse bill package drafted by the commission. The most recent draft has been forwarded for his consideration. There are outstanding items that have not been resolved. During July 25, 2011 meeting, voting will take place on the following:
 - Extent of APS involvement in financial exploitation cases
 - Option 1 – Remove “caretaker”. This removes a barrier to APS intervention by eliminating the need to prove a relationship exists
 - Option 2 – Retain “caretaker”. This prevents broadening the role of APS and possibly overlapping with law enforcement.
 - Extent of information contained in APS reports
 - Option 1 – Leave language as written. Upon request, the information contained in the report is available to the adult (victim) who is the subject of the report.

- Option 2 – Add language that limits the information contained in the report made available to the adult (victim) subject of the report.
- Option 3 – Remove the name of the reporter from the entire record – making it unavailable to all.
- Additions to draft language that have been agreed upon:
 - Inclusion of an appeal or review process for APS cases based on procedural concerns.
 - Requirement for APS to maintain records of all intake reports.
 - Statutory requirement of an Elder Abuse Commission.
 - Development of the designated agency section.

SUBCOMMITTEE REPORTS - Commission

Awareness Subcommittee – K. Warren reported

- Working with Public Information Officer at Ohio Department of Aging to develop the “It Only Takes One” campaign.
- Will begin developing campaign materials with \$0 budget (i.e., create slogan and images; strategize about free outlets for advertisement).
- Will monitor grant solicitations for funding opportunities.
- A draft of an e-toolkit will be available for commission review in Fall 2011.
- Roll out will include a website presence, newsletters, news releases, agency director information, flyers, brochures, and PowerPoint.
- Target date for campaign launch remains June 15, 2012 – to coincide with World Elder Abuse Awareness Day.

Justice & Policy Subcommittee – R. Hornbostel reported

Perpetrators Registry

- Continued discussion on the creation of a perpetrators registry.
- Three recommendations emerged:
 - Create a web page on the Ohio Attorney General's website to link the various registries that exist or create a tool that could search each registry with a single inquiry. Registries discussed were the various medical and nursing boards, Ohio Department of Developmental Disabilities, Ohio Department of Health, e-SORN, and Healthcare Fraud.
 - Match independent providers list maintained by the Ohio Department of Job and Family Services with the nursing home registry maintained by the Ohio Department of Health.
 - Introduce legislation regarding a perpetrators registry at a later time. Given the complexity of the topic, it was determined that it would not be included in the current legislation.

Forensic Capacity

- Continued discussion on ways to expand the forensic capacity to address financial exploitation cases:
 - Identify an existing center or model designed to help prosecutors on an ad hoc basis.
 - Research California-based center (A. Capehart lead).
 - Consult with experts in the fields of financial exploitation and forensic accounting.
 - Consult with Carolyn Dessin of the University of Akron (U. McElroy lead).
 - Consult with the Board of Regents to see if there is interest
 - Provide training on forensic accounting to Adult Protective Services.
 - Research capacity of the Ohio Human Services Training System to fund curriculum development (W. Summerville lead).

Research Subcommittee

No report.

PUBLIC COMMENT – Commission

Rosanna Miller of Bellfontaine, Ohio

- Provided oral and written comments, along with supplemental materials.
- Requested the following:
 - Commission assist with the alleged murder of her mother in Logan County.
 - Commission assist with the alleged abuse of her father in Logan County.
 - Commission address the ineffective response she alleges she received from local authorities and appeal proceedings.
- Matter has already been reviewed by local authorities and appeal proceedings.
- Ms. Miller reminded that the commission is not an investigative body and has no authority to become involved with individual cases.

ADJOURN