

the United States department of veterans affairs; 426

(15) The residence of one or more individuals enrolled in a 427
home and community-based services medicaid waiver component, as 428
defined in section 5166.01 of the Revised Code; 429

(16) A facility operated by the board of health of a city or 430
general health district or the authority having the duties of a 431
board of health under section 3709.05 of the Revised Code; 432

(17) A women, infants, and children clinic; 433

(18) A mobile dental unit located at any location listed in 434
divisions (G)(1) to (17) of this section; 435

(19) Any other location, as specified by the state dental 436
board in rules adopted under section 4715.372 of the Revised Code, 437
that is in an area designated as a dental health resource shortage 438
area pursuant to section 3702.87 of the Revised Code and provides 439
health care services to individuals who are medicaid recipients 440
and to indigent and uninsured persons, as defined in section 441
2305.234 of the Revised Code. 442

Sec. 5101.60. As used in sections 5101.60 to ~~5101.71~~ 5101.73 443
of the Revised Code: 444

(A) "Abandonment" means desertion of an adult by a caretaker 445
without having made provision for transfer of the adult's care. 446

(B) "Abuse" means the infliction upon an adult by self or 447
others of injury, unreasonable confinement, intimidation, or cruel 448
punishment with resulting physical harm, pain, or mental anguish. 449

~~(B)~~(C) "Adult" means any person sixty years of age or older 450
within this state who is handicapped by the infirmities of aging 451
or who has a physical or mental impairment which prevents the 452
person from providing for the person's own care or protection, and 453

who resides in an independent living arrangement. An ~~"independent living arrangement"~~ is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An ~~"independent living arrangement"~~ includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

~~(C)~~(D) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult ~~on~~ by any of the following means:

- (1) On a voluntary basis, ~~by~~ i
- (2) By contract, ~~through~~ i
- (3) Through receipt of payment for care, ~~as~~ i
- (4) As a result of a family relationship, ~~or by~~ i
- (5) By order of a court of competent jurisdiction.

~~(D)~~(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.

(G) "Court" means the probate court in the county where an adult resides.

~~(E)~~(H) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

~~(F)~~(I) "Emergency services" means protective services furnished to an adult in an emergency.

~~(G)~~(J) "Exploitation" means the unlawful or improper act of a ~~caretaker~~ person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the ~~caretaker~~ person obtained or exerted control over the adult or 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.

~~(H)~~(K) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

~~(I)~~(L) "Incapacitated person" 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 determinative that the

person is incapacitated. ~~"Reasonable decisions" are decisions made~~ 510
~~in daily living which facilitate the provision of food, shelter,~~ 511
~~clothing, and health care necessary for life support.~~ 512

~~(J)~~(M) "Independent living arrangement" means a domicile of a 513
person's own choosing, including, but not limited to, a private 514
home, apartment, trailer, or rooming house. "Independent living 515
arrangement" includes a residential facility licensed under 516
section 5119.22 of the Revised Code that provides accommodations, 517
supervision, and personal care services for three to sixteen 518
unrelated adults, but does not include any other institution or 519
facility licensed by the state or a facility in which a person 520
resides as a result of voluntary, civil, or criminal commitment. 521

(N) "Mental illness" means a substantial disorder of thought, 522
mood, perception, orientation, or memory that grossly impairs 523
judgment, behavior, capacity to recognize reality, or ability to 524
meet the ordinary demands of life. 525

~~(K)~~(O) "Neglect" means any of the failure following: 526

(1) Failure of an adult to provide for self the goods or 527
services necessary to avoid physical harm, mental anguish, or 528
mental illness ~~or the failure;~~ 529

(2) Failure of a caretaker to provide such goods or services; 530
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(3) Abandonment. 532

~~(I)~~(P) "Outpatient health facility" means a facility where 533
medical care and preventive, diagnostic, therapeutic, 534
rehabilitative, or palliative items or services are provided to 535
outpatients by or under the direction of a physician or dentist. 536

(O) "Peace officer" means a peace officer as defined in 537
section 2935.01 of the Revised Code. 538

~~(M)~~(R) "Physical harm" means bodily pain, injury, impairment, 539
 or disease suffered by an adult. 540

~~(N)~~(S) "Protective services" means services provided by the 541
 county department of job and family services or its designated 542
 agency to an adult who has been determined by evaluation to 543
 require such services for the prevention, correction, or 544
 discontinuance of an act of as well as conditions resulting from 545
 abuse, neglect, or exploitation. Protective services may include, 546
 but are not limited to, case work services, medical care, mental 547
 health services, legal services, fiscal management, home health 548
 care, homemaker services, housing-related services, guardianship 549
 services, and placement services as well as the provision of such 550
 commodities as food, clothing, and shelter. 551

~~(O)~~(T) "Reasonable decisions" means decisions made in daily 552
living that facilitate the provision of food, shelter, clothing, 553
and health care necessary for life support. 554

(U) "Senior service provider" means a person who provides 555
care or specialized services to an adult, except that it does not 556
include the state long-term care ombudsman or a regional long-term 557
care ombudsman. 558

(V) "Working day" means Monday, Tuesday, Wednesday, Thursday, 559
 and Friday, except when such day is a holiday as defined in 560
 section 1.14 of the Revised Code. 561

Sec. ~~5101.71~~ 5101.61. (A) The county departments of job and 562
 family services shall implement sections 5101.60 to 5101.71 of the 563
 Revised Code. ~~The department of job and family services shall~~ 564
~~provide a program of ongoing, comprehensive, formal training~~ 565
~~regarding the implementation of sections 5101.60 to 5101.71 of the~~ 566
~~Revised Code and require all adult protective services caseworkers~~ 567

~~and their supervisors to undergo the training. Training shall not~~ 568
~~be limited to the procedures for implementing section 5101.62 of~~ 569
~~the Revised Code. The department of job and family services shall~~ 570
~~adopt any rules it deems necessary regarding the training.~~ 571

(B) The director of job and family services may adopt rules 572
in accordance with section 111.15 of the Revised Code to carry out 573
the purposes of sections 5101.60 to 5101.71 of the Revised Code. 574
The rules adopted pursuant to this division may include a 575
requirement that the county departments provide on forms 576
prescribed by the rules a plan of proposed expenditures, and a 577
report of actual expenditures, of funds necessary to implement 578
sections 5101.60 to 5101.71 of the Revised Code and other 579
requirements for intake procedures, investigations, case 580
management, and the provision of protective services. 581

Sec. ~~5101.72~~ 5101.611. The department of job and family 582
services may reimburse county departments of job and family 583
services, local law enforcement agencies, and county prosecutors 584
for all or part of the costs they incur in implementing sections 585
5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of 586
job and family services shall adopt internal management rules in 587
accordance with section 111.15 of the Revised Code that provide 588
for reimbursement of county departments of job and family 589
services, local law enforcement agencies, and county prosecutors 590
under this section. 591

The director shall adopt internal management rules in 592
accordance with section 111.15 of the Revised Code that do both of 593
the following: 594

(A) Implement sections 5101.60 to 5101.71 of the Revised 595
Code; 596

(B) Require the county departments, local law enforcement agencies, and county prosecutors to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. 597
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Sec. 5101.62. The department of job and family services shall do all of the following: 602
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(A) Provide a program of ongoing, comprehensive, formal training on the implementation of sections 5101.60 to 5101.73 of the Revised Code and require all protective services caseworkers and their supervisors to undergo the training; 604
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(B) Develop and make available educational materials for individuals who are required under section 5101.63 of the Revised Code to make reports of abuse, neglect, and exploitation; 608
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(C) Facilitate ongoing cooperation among state agencies on issues pertaining to the abuse, neglect, or exploitation of adults. 611
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~~Sec. 5101.61 5101.63. (A) As used in this section:~~ 614

~~(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.~~ 615
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~~(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:~~ 618
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~~(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a~~ 621
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~~physician or dentist in a facility which is not a part of a
hospital, but which is organized and operated to provide medical
care to outpatients;~~ 624
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~~(b) Has health and medical care policies which are developed
with the advice of, and with the provision of review of such
policies, an advisory committee of professional personnel,
including one or more physicians, one or more dentists, if dental
care is provided, and one or more registered nurses;~~ 627
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~~(c) Has a medical director, a dental director, if dental care
is provided, and a nursing director responsible for the execution
of such policies, and has physicians, dentists, nursing, and
ancillary staff appropriate to the scope of services provided;~~ 632
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~~(d) Requires that the health care and medical care of every
patient be under the supervision of a physician, provides for
medical care in a case of emergency, has in effect a written
agreement with one or more hospitals and other centers or clinics,
and has an established patient referral system to other resources,
and a utilization review plan and program;~~ 636
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~~(e) Maintains clinical records on all patients;~~ 642

~~(f) Provides nursing services and other therapeutic services
in accordance with programs and policies, with such services
supervised by a registered professional nurse, and has a
registered professional nurse on duty at all times of clinical
operations;~~ 643
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~~(g) Provides approved methods and procedures for the
dispensing and administration of drugs and biologicals;~~ 648
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~~(h) Has established an accounting and record keeping system
to determine reasonable and allowable costs;~~ 650
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~~(i) "Ambulatory health facilities" also includes an~~ 652

~~alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.~~ 653
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~~(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.~~ 659
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~~(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.~~ 663
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~~(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:~~ 666
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~~(a) Is primarily engaged in providing home health services;~~ 668

~~(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;~~ 669
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~~(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;~~ 676
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~~(d) Maintains comprehensive records on all patients;~~ 680

~~(e) Is operated by the state, a political subdivision, or an~~ 681

agency of either, or is operated not for profit in this state and 682
 is licensed or registered, if required, pursuant to law by the 683
 appropriate department of the state, county, or municipality in 684
 which it furnishes services; or is operated for profit in this 685
 state, meets all the requirements specified in divisions (A)(5)(a) 686
 to (d) of this section, and is certified under Title XVIII of the 687
 "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 688
 amended. 689

~~(6) "Home health service" means the following items and 690
 services, provided, except as provided in division (A)(6)(g) of 691
 this section, on a visiting basis in a place of residence used as 692
 the patient's home: 693~~

~~(a) Nursing care provided by or under the supervision of a 694
 registered professional nurse; 695~~

~~(b) Physical, occupational, or speech therapy ordered by the 696
 patient's attending physician; 697~~

~~(c) Medical social services performed by or under the 698
 supervision of a qualified medical or psychiatric social worker 699
 and under the direction of the patient's attending physician; 700~~

~~(d) Personal health care of the patient performed by aides in 701
 accordance with the orders of a doctor of medicine or osteopathy 702
 and under the supervision of a registered professional nurse; 703~~

~~(e) Medical supplies and the use of medical appliances; 704~~

~~(f) Medical services of interns and residents in training 705
 under an approved teaching program of a nonprofit hospital and 706
 under the direction and supervision of the patient's attending 707
 physician; 708~~

~~(g) Any of the foregoing items and services which: 709~~

~~(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;~~ 710
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~~(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment.~~ 713
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~~Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, member of the clergy, any employee of a community mental health facility, and any person engaged in professional counseling, social work, or marriage and family therapy~~ 718
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(2) All of the following are subject to division (A)(1) of 739

<u>this section:</u>	740
<u>(a) An attorney admitted to the practice of law in this state;</u>	741
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<u>(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;</u>	743
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<u>(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;</u>	746
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<u>(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;</u>	748
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<u>(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;</u>	750
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<u>(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;</u>	752
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<u>(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist;</u>	754
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<u>(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;</u>	758
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<u>(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;</u>	760
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<u>(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;</u>	763
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<u>(k) An employee of an outpatient health facility;</u>	765
<u>(l) An employee of a hospital, as defined in section 3727.01</u>	766

of the Revised Code; 767

(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code; 768
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(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code; 770
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(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; 772
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(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; 776
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(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code; 780
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(r) An agent of a county humane society organized under section 1717.05 of the Revised Code; 782
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(s) An individual who is a firefighter for a lawfully constituted fire department; 784
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(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code; 786
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(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code; 789
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(v) An official employed by a local building department to conduct inspections of houses and other residential buildings; 792
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(w) A peace officer; 794

(x) A coroner; 795

(y) A member of the clergy; 796

(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant; 797
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(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson; 800
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(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public; 802
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(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States; 804
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(dd) An investment adviser, as defined in section 1707.01 of the Revised Code; 807
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(ee) A financial planner accredited by a national accreditation agency; 809
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(ff) Any other individual who is a senior service provider. 811

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause ~~reports~~ a report to be made of such belief to the county department of job and family services. 812
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(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include: 816
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(1) The name, address, and approximate age of the adult who is the subject of the report; 820
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 822
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 825
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 827
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section ~~5101.62~~ 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 829
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(E) No employer or any other person with the authority to do so shall ~~discharge~~ do any of the following as a result of an employee's having filed a report under this section: 839
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(1) Discharge, demote, transfer, or prepare a negative work performance evaluation, ~~or reduce;~~ 842
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(2) Reduce benefits, pay, or work privileges, ~~or take;~~ 844

(3) Take any other action detrimental to an employee or in any way retaliate against ~~an~~ the employee ~~as a result of the employee's having filed a report under this section.~~ 845
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(F) The written or oral report provided for in this section and the investigatory report provided for in section ~~5101.62~~ 5101.65 of the Revised Code are confidential and are not public 848
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records, as defined in section 149.43 of the Revised Code. In 851
 accordance with rules adopted by the department of job and family 852
 services, information contained in the report shall upon request 853
 be made available to the adult who is the subject of the report 854
 and to legal counsel for the adult. If it determines that there is 855
a risk of harm to a person who makes a report under this section 856
or to the adult who is the subject of the report, the county 857
department of job and family services may redact the name and 858
identifying information related to the person who made the report. 859

(G) The county department of job and family services shall be 860
 available to receive the written or oral report provided for in 861
 this section twenty-four hours a day and seven days a week. 862

Sec. ~~5101.612~~ 5101.631. (A) The department of job and family 863
 services shall establish and maintain a uniform statewide 864
 automated adult protective services information system. The 865
 information system shall contain records regarding all of the 866
 following: 867

(1) All reports of abuse, neglect, or exploitation of adults 868
 made to county departments of job and family services under 869
 section ~~5101.61~~ 5101.63 of the Revised Code; 870

(2) Investigations conducted under section ~~5101.62~~ 5101.65 of 871
 the Revised Code; 872

(3) Protective services provided to adults pursuant to 873
 sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code; 874

(4) Any other information related to adults in need of 875
 protective services that state or federal law, regulation, or rule 876
 requires the department or a county department to maintain. 877

(B) The department shall plan implementation of the 878
 information system on a county-by-county basis. The department 879

shall promptly notify all county departments of the initiation and
 completion of statewide implementation of the information system.

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(C)(1) The department shall, upon request, release information in the information system to county departments conducting investigations pursuant to section 5101.65 of the Revised Code and to local law enforcement agencies conducting criminal investigations. The department may release information in the information system to law enforcement agencies through the Ohio law enforcement gateway established under section 109.57 of the Revised Code. Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes authorized by this section and rules adopted by the department.

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(2) Except as provided in division (C)(3)(1) of this section and in rules adopted by the department pursuant to that division-

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~~(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.~~

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~~(2) No, no~~ person shall knowingly do either of the following:

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(a) Access or use information contained in the information system;

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(b) Disclose information obtained from the information system.

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~~(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department.~~

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Sec. 5101.632. Each entity that employs or is responsible for

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licensing or regulating the individuals required under section 5101.63 of the Revised Code to make reports of abuse, neglect, or exploitation of adults shall ensure that the individuals have access to the educational materials developed under division (B) of section 5101.62 of the Revised Code. 908
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Sec. ~~5101.611~~ 5101.64. (A) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is an individual with a developmental disability as defined in section 5126.01 of the Revised Code, the county department shall refer the case to the county board of developmental disabilities of that county for review pursuant to section 5126.31 of the Revised Code. 913
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If a county board of developmental disabilities refers a case to the county department of job and family services in accordance with section 5126.31, the county department of job and family services shall proceed with the case in accordance with sections 5101.60 to 5101.71 of the Revised Code. 922
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(B) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a resident of a long-term care facility, as defined in section 173.14 of the Revised Code, the department shall refer the case to the office of the state long-term care ombudsman program for review pursuant to section 173.19 of the Revised Code. 927
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If the state ombudsman or regional long-term care ombudsman 936

program refers a case to the county department of job and family services in accordance with rules adopted pursuant to section 173.20 of the Revised Code, the county department shall proceed with the case in accordance with sections 5101.60 to 5101.71 of the Revised Code.

(C) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a resident of a nursing home, as defined in section 3721.01 of the Revised Code, and has allegedly been abused, neglected, or exploited by an employee of the nursing home, the department shall refer the case to the department of health for investigation pursuant to section 3721.031 of the Revised Code.

(D) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section ~~5101.61~~ 5101.63 of the Revised Code or of an investigation conducted under ~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code is a child, as defined in section 5153.01 of the Revised Code, the department shall refer the case to the public children services agency of that county.

(E) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section 5101.63 of the Revised Code or of an investigation conducted under section 5101.65 of the Revised Code is being or has been criminally exploited, the department shall notify a local law enforcement agency with jurisdiction over the area where the subject resides.

(F) A referral by the county department of job and family

services of a case to another public regulatory agency or 967
 investigatory entity pursuant to this section shall be made in 968
 accordance with rules adopted by the department of job and family 969
 services. 970

Sec. ~~5101.62~~ 5101.65. The county department of job and family 971
 services or its designee shall be responsible for the 972
 investigation of all reports provided for in section 173.20 or 973
~~5101.61~~ 5101.63 and all cases referred to it under section 5126.31 974
 of the Revised Code and for evaluating the need for and, to the 975
 extent of available funds, providing or arranging for the 976
 provision of protective services. 977

Investigation of the report provided for in section ~~5101.61~~ 978
5101.63 or a case referred to the department under section 5126.31 979
 of the Revised Code shall be initiated within twenty-four hours 980
 after the department receives the report or case if any emergency 981
 exists; otherwise investigation shall be initiated within three 982
 working days. 983

Investigation of the need for protective services shall 984
 include a face-to-face visit with the adult who is the subject of 985
 the report, preferably in the adult's residence, and consultation 986
 with the person who made the report, if feasible, and agencies or 987
 persons who have information about the adult's alleged abuse, 988
 neglect, or exploitation. 989

The department shall give written notice of the intent of the 990
 investigation and an explanation of the notice in language 991
 reasonably understandable to the adult who is the subject of the 992
 investigation, at the time of the initial interview with that 993
 person. 994

Upon completion of the investigation, the department shall 995

determine from its findings whether or not the adult who is the
 subject of the report is in need of protective services. No adult
 shall be determined to be abused, neglected, or in need of
 protective services for the sole reason that, in lieu of medical
 treatment, the adult relies on or is being furnished spiritual
 treatment through prayer alone in accordance with the tenets and
 practices of a church or religious denomination of which the adult
 is a member or adherent. The department shall write a report which
 confirms or denies the need for protective services and states why
 it reached this conclusion.

Sec. ~~5101.63~~ 5101.651. If, during the course of an
 investigation conducted under section ~~5101.62~~ 5101.65 of the
 Revised Code, any person, including the adult who is the subject
 of the investigation, denies or obstructs access to the residence
 of the adult, the county department of job and family services may
 file a petition in court for a temporary restraining order to
 prevent the interference or obstruction. The court shall issue a
 temporary restraining order to prevent the interference or
 obstruction if it finds there is reasonable cause to believe that
 the adult is being or has been abused, neglected, or exploited and
 access to the person's residence has been denied or obstructed.
 Such a finding is prima-facie evidence that immediate and
 irreparable injury, loss, or damage will result, so that notice is
 not required. After obtaining an order restraining the obstruction
 of or interference with the access of the protective services
 representative, the representative may be accompanied to the
 residence by a peace officer.

Sec. ~~5101.622~~ 5101.652. The county department of job and
 family services may enter into an agreement or contract with

another person or government entity to perform the following 1025
 duties: 1026

(A) In accordance with division (G) of section ~~5101.61~~ 1027
~~5101.63~~ of the Revised Code, receive reports made under that 1028
 section; 1029

(B) Perform the county department's duties under section 1030
~~5101.62~~ 5101.65 of the Revised Code; 1031

(C) Petition the court pursuant to section ~~5101.65~~ 5101.68 or 1032
~~5101.69~~ 5101.70 of the Revised Code for an order authorizing the 1033
 provision of protective services. 1034

Sec. ~~5101.64~~ 5101.66. Any person who requests or consents to 1035
 receive protective services shall receive such services only after 1036
 an investigation and determination of a need for protective 1037
 services, ~~which.~~ The investigation shall be performed in the same 1038
 manner as the investigation of a report pursuant to ~~sections~~ 1039
~~5101.62 and 5101.63~~ section 5101.65 of the Revised Code. If the 1040
 person withdraws consent, the protective services shall be 1041
 terminated. 1042

Sec. ~~5101.65~~ 5101.68. If the county department of job and 1043
 family services determines that an adult is in need of protective 1044
 services and is an incapacitated person, the department may 1045
 petition the court for an order authorizing the provision of 1046
 protective services. If the adult is in need of protective 1047
services as a result of exploitation, the county prosecutor may 1048
file the petition. The petition shall state the specific facts 1049
 alleging the abuse, neglect, or exploitation and shall include a 1050
 proposed protective service plan. Any plan for protective services 1051
 shall be specified in the petition. 1052

Sec. ~~5101.66~~ 5101.681. Notice of a petition for the provision 1053
of court-ordered protective services as provided for in section 1054
~~5101.65~~ 5101.68 of the Revised Code shall be personally served 1055
upon the adult who is the subject of the petition at least five 1056
working days prior to the date set for the hearing as provided in 1057
section ~~5101.67~~ 5101.682 of the Revised Code. Notice shall be 1058
given either orally ~~and~~ or in writing in language reasonably 1059
understandable to the adult. The notice shall include the names of 1060
all petitioners, the basis of the belief that protective services 1061
are needed, the rights of the adult in the court proceedings, and 1062
the consequences of a court order for protective services. The 1063
adult shall be informed of ~~his~~ the right to counsel and ~~his~~ the 1064
right to appointed counsel if ~~he~~ the adult is indigent and if 1065
appointed counsel is requested. Written notice by certified mail 1066
shall also be given to the adult's guardian, legal counsel, 1067
caretaker, and spouse, if any, or if ~~he~~ the adult has none of 1068
these, to ~~his~~ the adult's adult children or next of kin, if any, 1069
or to any other person as the court may require. The adult who is 1070
the subject of the petition may not waive notice as provided in 1071
this section. 1072

Sec. ~~5101.67~~ 5101.682. (A) The court shall hold a hearing on 1073
the petition as provided in section ~~5101.65~~ 5101.68 of the Revised 1074
Code within fourteen days after its filing. The adult who is the 1075
subject of the petition shall have the right to be present at the 1076
hearing, present evidence, and examine and cross-examine 1077
witnesses. The adult shall be represented by counsel unless the 1078
right to counsel is knowingly waived. If the adult is indigent, 1079
the court shall appoint counsel to represent the adult. If the 1080
court determines that the adult lacks the capacity to waive the 1081
right to counsel, the court shall appoint counsel to represent the 1082

adult's interests. 1083

(B) If the court finds, on the basis of clear and convincing 1084
 evidence, that the adult has been abused, neglected, or exploited, 1085
 is in need of protective services, and is incapacitated, and no 1086
 person authorized by law or by court order is available to give 1087
 consent, it shall issue an order requiring the provision of 1088
 protective services only if they are available locally. 1089

(C) If the court orders placement under this section it shall 1090
 give consideration to the choice of residence of the adult. The 1091
 court may order placement in settings which have been approved by 1092
 the department of job and family services as meeting at least 1093
 minimum community standards for safety, security, and the 1094
 requirements of daily living. The court shall not order an 1095
 institutional placement unless it has made a specific finding 1096
 entered in the record that no less restrictive alternative can be 1097
 found to meet the needs of the individual. No individual may be 1098
 committed to a hospital or public hospital as defined in section 1099
 5122.01 of the Revised Code pursuant to this section. 1100

(D) The placement of an adult pursuant to court order as 1101
 provided in this section shall not be changed unless the court 1102
 authorized the transfer of placement after finding compelling 1103
 reasons to justify the transfer. Unless the court finds that an 1104
 emergency exists, the court shall notify the adult of a transfer 1105
 at least thirty days prior to the actual transfer. 1106

(E) A court order provided for in this section shall remain 1107
 in effect for no longer than six months. Thereafter, the county 1108
 department of job and family services shall review the adult's 1109
 need for continued services and, if the department determines that 1110
 there is a continued need, it shall apply for a renewal of the 1111
 order for additional periods of no longer than one year each. The 1112

adult who is the subject of the court-ordered services may 1113
 petition for modification of the order at any time. 1114

Sec. ~~5101.68~~ 5101.69. (A) If an adult has consented to the 1115
 provision of protective services but any other person refuses to 1116
 allow such provision, the county department of ~~human~~ job and 1117
family services or the county prosecutor may petition the court 1118
 for a temporary restraining order to restrain the person from 1119
 interfering with the provision of protective services for the 1120
 adult. 1121

(B) The petition shall state specific facts sufficient to 1122
 demonstrate the need for protective services, the consent of the 1123
 adult, and the refusal of some other person to allow the provision 1124
 of these services. 1125

(C) Notice of the petition shall be given in language 1126
 reasonably understandable to the person alleged to be interfering 1127
 with the provision of services; 1128

(D) The court shall hold a hearing on the petition within 1129
 fourteen days after its filing. If the court finds that the 1130
 protective services are necessary, that the adult has consented to 1131
 the ~~provisions~~ provision of such services, and that the person who 1132
 is the subject of the petition has prevented such provision, the 1133
 court shall issue a temporary restraining order to restrain the 1134
 person from interfering with the provision of protective services 1135
 to the adult. 1136

Sec. ~~5101.69~~ 5101.70. (A) Upon petition by the county 1137
 department of job and family services ~~or its,~~ the department's 1138
 designee, or the county prosecutor, the court may issue an order 1139
 authorizing the provision of protective services on an emergency 1140

basis to an adult. The petition for any emergency order shall 1141
include all of the following: 1142

(1) The name, age, and address of the adult in need of 1143
protective services; 1144

(2) The nature of the emergency; 1145

(3) The proposed protective services; 1146

(4) The petitioner's reasonable belief, together with facts 1147
supportive thereof, as to the existence of the circumstances 1148
described in divisions (D)(1) to (3) of this section; 1149

(5) Facts showing the petitioner's attempts to obtain the 1150
adult's consent to the protective services. 1151

(B) Notice of the filing and contents of the petition 1152
provided for in division (A) of this section, the rights of the 1153
person in the hearing provided for in division (C) of this 1154
section, and the possible consequences of a court order, shall be 1155
given to the adult. Notice shall also be given to the spouse of 1156
the adult or, if the adult has none, to the adult's adult children 1157
or next of kin, and the adult's guardian, if any, if the 1158
guardian's whereabouts are known. The notice shall be given in 1159
language reasonably understandable to its recipients at least 1160
twenty-four hours prior to the hearing provided for in this 1161
section. The court may waive the twenty-four hours' notice 1162
requirement upon a showing that both of the following are the 1163
case: 1164

(1) Immediate and irreparable physical harm or immediate and 1165
irreparable financial harm to the adult or others will result from 1166
the twenty-four hour delay; 1167

(2) Reasonable attempts have been made to notify the adult, 1168
the adult's spouse, or, if the adult has none, the adult's adult 1169

children or next of kin, if any, and the adult's guardian, if any, 1170
 if the guardian's whereabouts are known. 1171

Notice of the court's determination shall be given to all 1172
 persons receiving notice of the filing of the petition provided 1173
 for in this division. 1174

(C) Upon receipt of a petition for an order for emergency 1175
 services, the court shall hold a hearing no sooner than 1176
 twenty-four and no later than seventy-two hours after the notice 1177
 provided for in division (B) of this section has been given, 1178
 unless the court has waived the notice. The adult who is the 1179
 subject of the petition shall have the right to be present at the 1180
 hearing, present evidence, and examine and cross-examine 1181
 witnesses. 1182

(D) The court shall issue an order authorizing the provision 1183
 of protective services on an emergency basis if it finds, on the 1184
 basis of clear and convincing evidence, all of the following: 1185

(1) The adult is an incapacitated person; 1186

(2) An emergency exists; 1187

(3) No person authorized by law or court order to give 1188
 consent for the adult is available or willing to consent to 1189
 emergency services. 1190

(E) In issuing an emergency order, the court shall adhere to 1191
 the following limitations: 1192

(1) The court shall order only such protective services as 1193
 are necessary and available locally to remove the conditions 1194
 creating the emergency, and the court shall specifically designate 1195
 those protective services the adult shall receive; 1196

(2) The court shall not order any change of residence under 1197

this section unless the court specifically finds that a change of residence is necessary;

(3) The court may order emergency services only for fourteen days. The county department ~~or its,~~ the department's designee, or the county prosecutor may petition the court for a renewal of the order for a fourteen-day period upon a showing that continuation of the order is necessary to remove the emergency.

(4) In its order the court shall authorize the director of the county department, the director's designee, or a representative of the department's designee to give consent for the person for the approved emergency services until the expiration of the order;

(5) The court shall not order a person to a hospital or public hospital as defined in section 5122.01 of the Revised Code.

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department ~~or its,~~ the department's designee, or the county prosecutor may petition the court for an order to continue protective services, pursuant to section ~~5101.65~~ 5101.68 of the Revised Code. After the filing of the petition, the county department or its designee may continue to provide protective services pending a hearing by the court.

Sec. ~~5101.691~~ 5101.701. (A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) of section ~~5101.692~~ 5101.702 of the Revised Code, to an adult on an emergency basis if all of the following are the

case: 1227

(1) The court receives notice from the county department of 1228
 job and family services, an authorized employee of the county 1229
 department, the department's designee, or an authorized employee 1230
 of the department's designee, that the county department, 1231
 designee, or employee believes an emergency order is needed as 1232
 described in this section. 1233

(2) There is reasonable cause to believe that the adult is 1234
 incapacitated. 1235

(3) There is reasonable cause to believe that there is a 1236
 substantial risk to the adult of immediate and irreparable 1237
 physical harm, immediate and irreparable financial harm, or death. 1238

(B)(1) The judge or magistrate shall journalize any order 1239
 issued under this section. 1240

(2) An order issued under this section shall be in effect for 1241
 not longer than twenty-four hours, except that if the day 1242
 following the day on which the order is issued is not a working 1243
 day, the order shall remain in effect until the next working day. 1244

(C)(1) Except as provided in division (C)(2) of this section, 1245
 not later than twenty-four hours after an order is issued under 1246
 this section, a petition shall be filed with the court in 1247
 accordance with division (A) of section ~~5101.69~~ 5101.70 of the 1248
 Revised Code. 1249

(2) If the day following the day on which the order was 1250
 issued is not a working day, the petition shall be filed with the 1251
 court on the next working day. 1252

(3) Except as provided in section ~~5101.692~~ 5101.702 of the 1253
 Revised Code, proceedings on the petition shall be conducted in 1254

accordance with section ~~5101.69~~ 5101.70 of the Revised Code. 1255

Sec. ~~5101.692~~ 5101.702. (A) If an order is issued pursuant to 1256
section ~~5101.691~~ 5101.701 of the Revised Code, the court shall 1257
hold a hearing not later than twenty-four hours after the issuance 1258
to determine whether there is probable cause for the order, except 1259
that if the day following the day on which the order is issued is 1260
not a working day, the court shall hold the hearing on the next 1261
working day. 1262

(B) At the hearing, the court: 1263

(1) Shall determine whether protective services are the least 1264
restrictive alternative available for meeting the adult's needs; 1265

(2) May issue temporary orders to protect the adult from 1266
immediate and irreparable physical harm or immediate and 1267
irreparable financial harm, including, but not limited to, 1268
temporary protection orders, evaluations, and orders requiring a 1269
party to vacate the adult's place of residence or legal 1270
settlement; 1271

(3) May order emergency services; 1272

(4) May freeze the financial assets of the adult. 1273

(C) A temporary order issued pursuant to division (B)(2) of 1274
this section is effective for thirty days. The court may renew the 1275
order for an additional thirty-day period. 1276

Information contained in the order may be entered into the 1277
law enforcement automated data system. 1278

Sec. ~~5101.70~~ 5101.71. (A) If it appears that an adult in need 1279
of protective services has the financial means sufficient to pay 1280
for such services, the county department of job and family 1281

services shall make an evaluation regarding such means. If the 1282
 evaluation establishes that the adult has such financial means, 1283
 the department shall initiate procedures for reimbursement 1284
 pursuant to rules ~~promulgated by the department~~ adopted under 1285
section 5101.61 of the Revised Code. If the evaluation establishes 1286
 that the adult does not have such financial means, the services 1287
 shall be provided in accordance with the policies and procedures 1288
 established by the department of job and family services for the 1289
 provision of welfare assistance. An adult shall not be required to 1290
 pay for court-ordered protective services unless the court 1291
 determines ~~upon a showing by the department~~ that the adult is 1292
 financially able to pay and the court orders the adult to pay. 1293

(B) Whenever the county department of job and family services 1294
or the county prosecutor has petitioned the court to authorize the 1295
 provision of protective services and the adult who is the subject 1296
 of the petition is indigent, the court shall appoint legal 1297
 counsel. 1298

Sec. 5101.73. If, during the course of an investigation by a 1299
local law enforcement agency of criminal exploitation, any person, 1300
including the adult who is the alleged victim, denies or obstructs 1301
access to the residence of the adult, the county prosecutor may 1302
file a petition in court for a temporary restraining order to 1303
prevent the interference or obstruction. The court shall issue a 1304
temporary restraining order to prevent the interference or 1305
obstruction if it finds there is reasonable cause to believe that 1306
the adult is being or has been abused, neglected, or exploited and 1307
access to the person's residence has been denied or obstructed. 1308
Such a finding is prima facie evidence that immediate and 1309
irreparable injury, loss, or damage will result, so that notice is 1310
not required. After obtaining an order restraining the obstruction 1311

<u>of or interference with the access of the local law enforcement</u>	1312
<u>agency representative, the representative may be accompanied to</u>	1313
<u>the residence by a peace officer.</u>	1314
<u>Sec. 5101.74. (A) There is hereby created the elder abuse</u>	1315
<u>commission. The commission shall consist of the following members:</u>	1316
<u>(1) The following members, appointed by the attorney general:</u>	1317
<u>(a) One representative of the AARP;</u>	1318
<u>(b) One representative of the buckeye state sheriffs'</u>	1319
<u>association;</u>	1320
<u>(c) One representative of the county commissioners'</u>	1321
<u>association of Ohio;</u>	1322
<u>(d) One representative of the Ohio association of area</u>	1323
<u>agencies on aging;</u>	1324
<u>(e) One representative of the board of nursing;</u>	1325
<u>(f) One representative of the Ohio coalition for adult</u>	1326
<u>protective services;</u>	1327
<u>(g) One person who represents the interests of elder abuse</u>	1328
<u>victims;</u>	1329
<u>(h) One person who represents the interests of elderly</u>	1330
<u>persons;</u>	1331
<u>(i) One representative of the Ohio domestic violence network;</u>	1332
<u>(j) One representative of the Ohio prosecuting attorneys</u>	1333
<u>association;</u>	1334
<u>(k) One representative of the Ohio victim witness</u>	1335
<u>association;</u>	1336
<u>(l) One representative of the Ohio association of chiefs of</u>	1337

<u>police;</u>	1338
<u>(m) One representative of the Ohio association of probate</u>	1339
<u>judges;</u>	1340
<u>(n) One representative of the Ohio job and family services</u>	1341
<u>directors' association;</u>	1342
<u>(o) One representative of the Ohio bankers league;</u>	1343
<u>(p) One representative of the Ohio credit union league;</u>	1344
<u>(q) Two representatives of national organizations that focus</u>	1345
<u>on elder abuse or sexual violence.</u>	1346
<u>(2) The following ex officio members:</u>	1347
<u>(a) The attorney general or the attorney general's designee;</u>	1348
<u>(b) The chief justice of the supreme court of Ohio or the</u>	1349
<u>chief justice's designee;</u>	1350
<u>(c) The governor or the governor's designee;</u>	1351
<u>(d) The director of aging or the director's designee;</u>	1352
<u>(e) The director of job and family services or the director's</u>	1353
<u>designee;</u>	1354
<u>(f) The director of health or the director's designee;</u>	1355
<u>(g) The director of mental health and addiction services or</u>	1356
<u>the director's designee;</u>	1357
<u>(h) The director of developmental disabilities or the</u>	1358
<u>director's designee;</u>	1359
<u>(i) The superintendent of insurance or the superintendent's</u>	1360
<u>designee;</u>	1361
<u>(j) The director of public safety or the director's designee;</u>	1362
<u>(k) The state long-term care ombudsman or the ombudsman's</u>	1363

<u>designee;</u>	1364
<u>(l) One member of the house of representatives, appointed by the speaker of the house of representatives;</u>	1365
<u>(m) One member of the senate, appointed by the president of the senate.</u>	1366
<u>(B) Members who are appointed shall serve at the pleasure of the appointing authority. Vacancies shall be filled in the same manner as original appointments.</u>	1367
<u>(C) All members of the commission shall serve as voting members. The attorney general shall select from among the appointed members a chairperson. The commission shall meet at the call of the chairperson, but not less than four times per year. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the attorney general. The commission may establish its own quorum requirements and procedures regarding the conduct of meetings and other affairs.</u>	1368
<u>(D) Members shall serve without compensation, but may be reimbursed for mileage and other actual and necessary expenses incurred in the performance of their official duties.</u>	1369
<u>(E) Sections 101.82 to 101.87 of the Revised Code do not apply to the elder abuse commission.</u>	1370
<u>Sec. 5101.741. (A) The elder abuse commission shall formulate and recommend strategies on all of the following:</u>	1371
<u>(1) Increasing awareness of and improving education on elder abuse;</u>	1372
<u>(2) Increasing research on elder abuse;</u>	1373
<u>(3) Improving policy, funding, and programming related to</u>	1374
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elder abuse; 1391

(4) Improving the judicial response to elder abuse victims; 1392

(5) Identifying ways to coordinate statewide efforts to address elder abuse. 1393
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(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations. 1395
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(C) The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under divisions (A) and (B) of this section. 1399
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(D) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code. 1404
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Sec. 5101.99. (A) Whoever violates division (A) ~~or (B)~~ of section ~~5101.61~~ 5101.63 of the Revised Code shall be fined not more than five hundred dollars. 1407
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(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree. 1410
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(C) Whoever violates section 5101.133 or division (C)(2) of section ~~5101.612~~ 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree. 1412
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Sec. 5123.61. (A) As used in this section: 1415

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county 1416
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