

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 700

Representative Carfagna

Cosponsor: Representative Brenner

A BILL

To amend section 5101.63 of the Revised Code 1
regarding communication with persons who make 2
reports of abuse, neglect, or exploitation of 3
the elderly. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5101.63 of the Revised Code be 5
amended to read as follows: 6

Sec. 5101.63. (A) (1) Any individual listed in division (A) 7
(2) of this section having reasonable cause to believe that an 8
adult is being abused, neglected, or exploited, or is in a 9
condition which is the result of abuse, neglect, or exploitation 10
shall immediately report such belief to the county department of 11
job and family services. 12

(2) All of the following are subject to division (A) (1) of 13
this section: 14

(a) An attorney admitted to the practice of law in this 15
state; 16

(b) An individual authorized under Chapter 4731. of the 17

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| Revised Code to practice medicine and surgery, osteopathic | 18 |
| medicine and surgery, or podiatric medicine and surgery; | 19 |
| (c) An individual licensed under Chapter 4734. of the | 20 |
| Revised Code as a chiropractor; | 21 |
| (d) An individual licensed under Chapter 4715. of the | 22 |
| Revised Code as a dentist; | 23 |
| (e) An individual licensed under Chapter 4723. of the | 24 |
| Revised Code as a registered nurse or licensed practical nurse; | 25 |
| (f) An individual licensed under Chapter 4732. of the | 26 |
| Revised Code as a psychologist; | 27 |
| (g) An individual licensed under Chapter 4757. of the | 28 |
| Revised Code as a social worker, independent social worker, | 29 |
| professional counselor, professional clinical counselor, | 30 |
| marriage and family therapist, or independent marriage and | 31 |
| family therapist; | 32 |
| (h) An individual licensed under Chapter 4729. of the | 33 |
| Revised Code as a pharmacist; | 34 |
| (i) An individual holding a certificate to practice as a | 35 |
| dialysis technician issued under Chapter 4723. of the Revised | 36 |
| Code; | 37 |
| (j) An employee of a home health agency, as defined in | 38 |
| section 3701.881 of the Revised Code; | 39 |
| (k) An employee of an outpatient health facility; | 40 |
| (l) An employee of a hospital, as defined in section | 41 |
| 3727.01 of the Revised Code; | 42 |
| (m) An employee of a hospital or public hospital, as | 43 |
| defined in section 5122.01 of the Revised Code; | 44 |

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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; | 45 46 |
| (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; | 47 48 49 50 |
| (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; | 51 52 53 54 |
| (q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code; | 55 56 |
| (r) An agent of a county humane society organized under section 1717.05 of the Revised Code; | 57 58 |
| (s) An individual who is a firefighter for a lawfully constituted fire department; | 59 60 |
| (t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code; | 61 62 63 |
| (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; | 64 65 66 |
| (v) An official employed by a local building department to conduct inspections of houses and other residential buildings; | 67 68 |
| (w) A peace officer; | 69 |
| (x) A coroner; | 70 |
| (y) A member of the clergy; | 71 |

(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;

(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;

(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;

(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;

(dd) An investment adviser, as defined in section 1707.01 of the Revised Code;

(ee) A financial planner accredited by a national accreditation agency;

(ff) Any other individual who is a senior service provider, other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause a report to be made of such belief to the county department of job and family services.

This division applies to a representative of the office of the state long-term care ombudsman program only to the extent permitted by federal law.

(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 100
county department of job and family services. Written reports 101
shall include: 102

(1) The name, address, and approximate age of the adult 103
who is the subject of the report; 104

(2) The name and address of the individual responsible for 105
the adult's care, if any individual is, and if the individual is 106
known; 107

(3) The nature and extent of the alleged abuse, neglect, 108
or exploitation of the adult; 109

(4) The basis of the reporter's belief that the adult has 110
been abused, neglected, or exploited. 111

(D) Any person with reasonable cause to believe that an 112
adult is suffering abuse, neglect, or exploitation who makes a 113
report pursuant to this section or who testifies in any 114
administrative or judicial proceeding arising from such a 115
report, or any employee of the state or any of its subdivisions 116
who is discharging responsibilities under section 5101.65 of the 117
Revised Code shall be immune from civil or criminal liability on 118
account of such investigation, report, or testimony, except 119
liability for perjury, unless the person has acted in bad faith 120
or with malicious purpose. 121

(E) No employer or any other person with the authority to 122
do so shall do any of the following as a result of an employee's 123
having filed a report under this section: 124

(1) Discharge, demote, transfer, or prepare a negative 125
work performance evaluation; 126

(2) Reduce benefits, pay, or work privileges; 127

(3) Take any other action detrimental to an employee or in 128
any way retaliate against the employee. 129

(F) (1) The written or oral report provided for in this 130
section and the investigatory report provided for in section 131
5101.65 of the Revised Code are confidential and are not public 132
records, as defined in section 149.43 of the Revised Code. In 133
accordance with rules adopted by the department of job and 134
family services, information contained in the report shall upon 135
request be made available to the adult who is the subject of the 136
report ~~and, to legal counsel for the adult, and, in accordance~~ 137
with division (F) (2) of this section, to the person who made the 138
report to the county department of job and family services. If 139
it determines that there is a risk of harm to a person who makes 140
a report under this section or to the adult who is the subject 141
of the report, the county department ~~of job and family services~~ 142
may redact the name and identifying information related to the 143
person who made the report. 144

(2) (a) Subject to division (F) (2) (b) of this section, a 145
person who makes a report pursuant to division (A) of this 146
section may make a reasonable number of requests of the county 147
department of job and family services that receives or is 148
referred the report to be provided with the following 149
information: 150

(i) Whether the county department has initiated an 151
investigation of the report; 152

(ii) Whether the county department is continuing to 153
investigate the report; 154

(iii) Whether the county department is otherwise involved 155
with the adult who is the subject of the report; 156

(iv) The general status of the health and safety of the 157
adult who is the subject of the report; 158

(v) Whether the report has resulted in the filing of a 159
civil complaint or criminal charges. 160

(b) A person may request the information specified in 161
division (F) (2) (a) of this section only if, at the time the 162
report is made, the person's name, address, and telephone number 163
are provided to the person who receives the report. 164

When a county department receives a report pursuant to 165
division (A) of this section, the recipient of the report shall 166
inform the person of the right to request the information 167
described in division (F) (2) (a) of this section. The recipient 168
of the report shall include in the initial report that the 169
person making the report was so informed and, if provided at the 170
time the report was made, shall include the person's name, 171
address, and telephone number in the report. 172

Each request for information made pursuant to division 173
(F) (2) (a) of this section is subject to verification of the 174
identity of the person making the report. If that person's 175
identity is verified, the county department shall provide the 176
person with the information described in division (F) (2) (a) of 177
this section a reasonable number of times, except that the 178
county department shall not disclose any confidential 179
information regarding the adult who is the subject of the report 180
other than the information described in that division. 181

(c) A request made pursuant to division (F) (2) (a) of this 182
section is not a substitute for any report required to be made 183
pursuant to division (A) of this section. 184

(d) If an agency other than the county department of job 185

and family services that received or was referred the report is 186
conducting the investigation of the report pursuant to section 187
5101.64 of the Revised Code or as authorized by section 5101.652 188
of the Revised Code, the agency conducting the investigation 189
shall comply with the requirements of division (F)(2) of this 190
section, including informing the person who made the report of 191
the information specified in division (F)(2)(a) of this section 192
as it pertains to the agency's investigation. 193

(G) The county department of job and family services shall 194
be available to receive the written or oral report provided for 195
in this section twenty-four hours a day and seven days a week. 196

Section 2. That existing section 5101.63 of the Revised 197
Code is hereby repealed. 198

Section 3. Sections 1 and 2 of this act take effect 199
September 29, 2018, or the earliest date thereafter permitted by 200
law, whichever is later. 201