

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 78**

**Representative Retherford**

**Cosponsors: Representatives Brenner, Bishoff, LaTourette, DeVitis, Leland, Perales, Craig, Rogers, Patterson, Rezabek, Koehler, Duffey, Ginter, Pelanda, Sheehy**

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**A BILL**

To amend sections 173.501, 173.521, 173.542, 1  
1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 2  
5101.611, 5101.612, 5101.62, 5101.622, 5101.63, 3  
5101.64, 5101.65, 5101.66, 5101.67, 5101.68, 4  
5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 5  
5101.72, 5101.99, 5123.61, and 5126.31; to 6  
amend, for the purpose of adopting new section 7  
numbers as indicated in parentheses, sections 8  
5101.61 (5101.63), 5101.611 (5101.64), 5101.612 9  
(5101.631), 5101.62 (5101.65), 5101.622 10  
(5101.652), 5101.63 (5101.651), 5101.64 11  
(5101.66), 5101.65 (5101.68), 5101.66 12  
(5101.681), 5101.67 (5101.682), 5101.68 13  
(5101.69), 5101.69 (5101.70), 5101.691 14  
(5101.701), 5101.692 (5101.702), 5101.70 15  
(5101.71), 5101.71 (5101.61), and 5101.72 16  
(5101.611); to enact new section 5101.62 and 17  
sections 5101.632, 5101.73, 5101.74, and 18  
5101.741; and to repeal section 5101.621 of the 19  
Revised Code to revise the laws governing the 20  
provision of adult protective services. 21

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

**Section 1.** That sections 173.501, 173.521, 173.542, 22  
1347.08, 2317.54, 4715.36, 5101.60, 5101.99, 5123.61, and 23  
5126.31 be amended; sections 5101.61 (5101.63), 5101.611 24  
(5101.64), 5101.612 (5101.631), 5101.62 (5101.65), 5101.622 25  
(5101.652), 5101.63 (5101.651), 5101.64 (5101.66), 5101.65 26  
(5101.68), 5101.66 (5101.681), 5101.67 (5101.682), 5101.68 27  
(5101.69), 5101.69 (5101.70), 5101.691 (5101.701), 5101.692 28  
(5101.702), 5101.70 (5101.71), 5101.71 (5101.61), and 5101.72 29  
(5101.611) be amended for the purpose of adopting new section 30  
numbers as indicated in parentheses; and new section 5101.62 and 31  
sections 5101.632, 5101.73, 5101.74, and 5101.741 of the Revised 32  
Code be enacted to read as follows: 33

**Sec. 173.501.** (A) As used in this section: 34

"Nursing facility" has the same meaning as in section 35  
5165.01 of the Revised Code. 36

"PACE provider" has the same meaning as in the "Social 37  
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 38

(B) The department of aging shall establish a home first 39  
component of the PACE program under which eligible individuals 40  
may be enrolled in the PACE program in accordance with this 41  
section. An individual is eligible for the PACE program's home 42  
first component if both of the following apply: 43

(1) The individual has been determined to be eligible for 44  
the PACE program. 45

(2) At least one of the following applies: 46

(a) The individual has been admitted to a nursing 47

facility. 48

(b) A physician has determined and documented in writing 49  
that the individual has a medical condition that, unless the 50  
individual is enrolled in home and community-based services such 51  
as the PACE program, will require the individual to be admitted 52  
to a nursing facility within thirty days of the physician's 53  
determination. 54

(c) The individual has been hospitalized and a physician 55  
has determined and documented in writing that, unless the 56  
individual is enrolled in home and community-based services such 57  
as the PACE program, the individual is to be transported 58  
directly from the hospital to a nursing facility and admitted. 59

(d) Both of the following apply: 60

(i) The individual is the subject of a report made under 61  
section ~~5101.61~~5101.63 of the Revised Code regarding abuse, 62  
neglect, or exploitation or such a report referred to a county 63  
department of job and family services under section 5126.31 of 64  
the Revised Code or has made a request to a county department 65  
for protective services as defined in section 5101.60 of the 66  
Revised Code. 67

(ii) A county department of job and family services and an 68  
area agency on aging have jointly documented in writing that, 69  
unless the individual is enrolled in home and community-based 70  
services such as the PACE program, the individual should be 71  
admitted to a nursing facility. 72

(C) Each month, the department of aging shall identify 73  
individuals who are eligible for the home first component of the 74  
PACE program. When the department identifies such an individual, 75  
the department shall notify the PACE provider serving the area 76

in which the individual resides. The PACE provider shall 77  
determine whether the PACE program is appropriate for the 78  
individual and whether the individual would rather participate 79  
in the PACE program than continue or begin to reside in a 80  
nursing facility. If the PACE provider determines that the PACE 81  
program is appropriate for the individual and the individual 82  
would rather participate in the PACE program than continue or 83  
begin to reside in a nursing facility, the PACE provider shall 84  
so notify the department of aging. On receipt of the notice from 85  
the PACE provider, the department of aging shall approve the 86  
individual's enrollment in the PACE program in accordance with 87  
priorities established in rules adopted under section 173.50 of 88  
the Revised Code. 89

**Sec. 173.521.** (A) Unless the medicaid-funded component of 90  
the PASSPORT program is terminated pursuant to division (C) of 91  
section 173.52 of the Revised Code, the department shall 92  
establish a home first component of the PASSPORT program under 93  
which eligible individuals may be enrolled in the medicaid- 94  
funded component of the PASSPORT program in accordance with this 95  
section. An individual is eligible for the PASSPORT program's 96  
home first component if both of the following apply: 97

(1) The individual has been determined to be eligible for 98  
the medicaid-funded component of the PASSPORT program. 99

(2) At least one of the following applies: 100

(a) The individual has been admitted to a nursing 101  
facility. 102

(b) A physician has determined and documented in writing 103  
that the individual has a medical condition that, unless the 104  
individual is enrolled in home and community-based services such 105

as the PASSPORT program, will require the individual to be 106  
admitted to a nursing facility within thirty days of the 107  
physician's determination. 108

(c) The individual has been hospitalized and a physician 109  
has determined and documented in writing that, unless the 110  
individual is enrolled in home and community-based services such 111  
as the PASSPORT program, the individual is to be transported 112  
directly from the hospital to a nursing facility and admitted. 113

(d) Both of the following apply: 114

(i) The individual is the subject of a report made under 115  
section ~~5101.61~~5101.63 of the Revised Code regarding abuse, 116  
neglect, or exploitation or such a report referred to a county 117  
department of job and family services under section 5126.31 of 118  
the Revised Code or has made a request to a county department 119  
for protective services as defined in section 5101.60 of the 120  
Revised Code. 121

(ii) A county department of job and family services and an 122  
area agency on aging have jointly documented in writing that, 123  
unless the individual is enrolled in home and community-based 124  
services such as the PASSPORT program, the individual should be 125  
admitted to a nursing facility. 126

(B) Each month, each area agency on aging shall identify 127  
individuals residing in the area that the agency serves who are 128  
eligible for the home first component of the PASSPORT program. 129  
When an area agency on aging identifies such an individual, the 130  
agency shall notify the long-term care consultation program 131  
administrator serving the area in which the individual resides. 132  
The administrator shall determine whether the PASSPORT program 133  
is appropriate for the individual and whether the individual 134

would rather participate in the PASSPORT program than continue 135  
or begin to reside in a nursing facility. If the administrator 136  
determines that the PASSPORT program is appropriate for the 137  
individual and the individual would rather participate in the 138  
PASSPORT program than continue or begin to reside in a nursing 139  
facility, the administrator shall so notify the department of 140  
aging. On receipt of the notice from the administrator, the 141  
department shall approve the individual's enrollment in the 142  
medicaid-funded component of the PASSPORT program regardless of 143  
the unified waiting list established under section 173.55 of the 144  
Revised Code, unless the enrollment would cause the component to 145  
exceed any limit on the number of individuals who may be 146  
enrolled in the component as set by the United States secretary 147  
of health and human services in the PASSPORT waiver. 148

**Sec. 173.542.** (A) Unless the medicaid-funded component of 149  
the assisted living program is terminated pursuant to division 150  
(C) of section 173.54 of the Revised Code, the department of 151  
aging shall establish a home first component of the assisted 152  
living program under which eligible individuals may be enrolled 153  
in the medicaid-funded component of the assisted living program 154  
in accordance with this section. An individual is eligible for 155  
the assisted living program's home first component if both of 156  
the following apply: 157

(1) The individual has been determined to be eligible for 158  
the medicaid-funded component of the assisted living program. 159

(2) At least one of the following applies: 160

(a) The individual has been admitted to a nursing 161  
facility. 162

(b) A physician has determined and documented in writing 163

that the individual has a medical condition that, unless the 164  
individual is enrolled in home and community-based services such 165  
as the assisted living program, will require the individual to 166  
be admitted to a nursing facility within thirty days of the 167  
physician's determination. 168

(c) The individual has been hospitalized and a physician 169  
has determined and documented in writing that, unless the 170  
individual is enrolled in home and community-based services such 171  
as the assisted living program, the individual is to be 172  
transported directly from the hospital to a nursing facility and 173  
admitted. 174

(d) Both of the following apply: 175

(i) The individual is the subject of a report made under 176  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 177  
neglect, or exploitation or such a report referred to a county 178  
department of job and family services under section 5126.31 of 179  
the Revised Code or has made a request to a county department 180  
for protective services as defined in section 5101.60 of the 181  
Revised Code. 182

(ii) A county department of job and family services and an 183  
area agency on aging have jointly documented in writing that, 184  
unless the individual is enrolled in home and community-based 185  
services such as the assisted living program, the individual 186  
should be admitted to a nursing facility. 187

(B) Each month, each area agency on aging shall identify 188  
individuals residing in the area that the area agency on aging 189  
serves who are eligible for the home first component of the 190  
assisted living program. When an area agency on aging identifies 191  
such an individual and determines that there is a vacancy in a 192

residential care facility participating in the medicaid-funded 193  
component of the assisted living program that is acceptable to 194  
the individual, the agency shall notify the long-term care 195  
consultation program administrator serving the area in which the 196  
individual resides. The administrator shall determine whether 197  
the assisted living program is appropriate for the individual 198  
and whether the individual would rather participate in the 199  
assisted living program than continue or begin to reside in a 200  
nursing facility. If the administrator determines that the 201  
assisted living program is appropriate for the individual and 202  
the individual would rather participate in the assisted living 203  
program than continue or begin to reside in a nursing facility, 204  
the administrator shall so notify the department of aging. On 205  
receipt of the notice from the administrator, the department 206  
shall approve the individual's enrollment in the medicaid-funded 207  
component of the assisted living program regardless of the 208  
unified waiting list established under section 173.55 of the 209  
Revised Code, unless the enrollment would cause the component to 210  
exceed any limit on the number of individuals who may 211  
participate in the component as set by the United States 212  
secretary of health and human services in the assisted living 213  
waiver. 214

**Sec. 1347.08.** (A) Every state or local agency that 215  
maintains a personal information system, upon the request and 216  
the proper identification of any person who is the subject of 217  
personal information in the system, shall: 218

(1) Inform the person of the existence of any personal 219  
information in the system of which the person is the subject; 220

(2) Except as provided in divisions (C) and (E) (2) of this 221  
section, permit the person, the person's legal guardian, or an 222



attorney who presents a signed written authorization made by the 223  
person, to inspect all personal information in the system of 224  
which the person is the subject; 225

(3) Inform the person about the types of uses made of the 226  
personal information, including the identity of any users 227  
usually granted access to the system. 228

(B) Any person who wishes to exercise a right provided by 229  
this section may be accompanied by another individual of the 230  
person's choice. 231

(C) (1) A state or local agency, upon request, shall 232  
disclose medical, psychiatric, or psychological information to a 233  
person who is the subject of the information or to the person's 234  
legal guardian, unless a physician, psychiatrist, or 235  
psychologist determines for the agency that the disclosure of 236  
the information is likely to have an adverse effect on the 237  
person, in which case the information shall be released to a 238  
physician, psychiatrist, or psychologist who is designated by 239  
the person or by the person's legal guardian. 240

(2) Upon the signed written request of either a licensed 241  
attorney at law or a licensed physician designated by the 242  
inmate, together with the signed written request of an inmate of 243  
a correctional institution under the administration of the 244  
department of rehabilitation and correction, the department 245  
shall disclose medical information to the designated attorney or 246  
physician as provided in division (C) of section 5120.21 of the 247  
Revised Code. 248

(D) If an individual who is authorized to inspect personal 249  
information that is maintained in a personal information system 250  
requests the state or local agency that maintains the system to 251

provide a copy of any personal information that the individual 252  
is authorized to inspect, the agency shall provide a copy of the 253  
personal information to the individual. Each state and local 254  
agency may establish reasonable fees for the service of copying, 255  
upon request, personal information that is maintained by the 256  
agency. 257

(E) (1) This section regulates access to personal 258  
information that is maintained in a personal information system 259  
by persons who are the subject of the information, but does not 260  
limit the authority of any person, including a person who is the 261  
subject of personal information maintained in a personal 262  
information system, to inspect or have copied, pursuant to 263  
section 149.43 of the Revised Code, a public record as defined 264  
in that section. 265

(2) This section does not provide a person who is the 266  
subject of personal information maintained in a personal 267  
information system, the person's legal guardian, or an attorney 268  
authorized by the person, with a right to inspect or have 269  
copied, or require an agency that maintains a personal 270  
information system to permit the inspection of or to copy, a 271  
confidential law enforcement investigatory record or trial 272  
preparation record, as defined in divisions (A) (2) and (4) of 273  
section 149.43 of the Revised Code. 274

(F) This section does not apply to any of the following: 275

(1) The contents of an adoption file maintained by the 276  
department of health under sections 3705.12 to 3705.124 of the 277  
Revised Code; 278

(2) Information contained in the putative father registry 279  
established by section 3107.062 of the Revised Code, regardless 280

of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	281 282 283 284
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	285 286 287
(4) Records specified in division (A) of section 3107.52 of the Revised Code;	288 289
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	290 291 292
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	293 294
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	295 296 297
(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;	298 299 300
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	301 302 303 304 305 306
(10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code;	307 308

(11) Information contained in a database established and 309  
maintained pursuant to section ~~5101.612~~5101.631 of the Revised 310  
Code. 311

**Sec. 2317.54.** No hospital, home health agency, ambulatory 312  
surgical facility, or provider of a hospice care program or 313  
pediatric respite care program shall be held liable for a 314  
physician's failure to obtain an informed consent from the 315  
physician's patient prior to a surgical or medical procedure or 316  
course of procedures, unless the physician is an employee of the 317  
hospital, home health agency, ambulatory surgical facility, or 318  
provider of a hospice care program or pediatric respite care 319  
program. 320

Written consent to a surgical or medical procedure or 321  
course of procedures shall, to the extent that it fulfills all 322  
the requirements in divisions (A), (B), and (C) of this section, 323  
be presumed to be valid and effective, in the absence of proof 324  
by a preponderance of the evidence that the person who sought 325  
such consent was not acting in good faith, or that the execution 326  
of the consent was induced by fraudulent misrepresentation of 327  
material facts, or that the person executing the consent was not 328  
able to communicate effectively in spoken and written English or 329  
any other language in which the consent is written. Except as 330  
herein provided, no evidence shall be admissible to impeach, 331  
modify, or limit the authorization for performance of the 332  
procedure or procedures set forth in such written consent. 333

(A) The consent sets forth in general terms the nature and 334  
purpose of the procedure or procedures, and what the procedures 335  
are expected to accomplish, together with the reasonably known 336  
risks, and, except in emergency situations, sets forth the names 337  
of the physicians who shall perform the intended surgical 338

procedures. 339

(B) The person making the consent acknowledges that such 340  
disclosure of information has been made and that all questions 341  
asked about the procedure or procedures have been answered in a 342  
satisfactory manner. 343

(C) The consent is signed by the patient for whom the 344  
procedure is to be performed, or, if the patient for any reason 345  
including, but not limited to, competence, minority, or the fact 346  
that, at the latest time that the consent is needed, the patient 347  
is under the influence of alcohol, hallucinogens, or drugs, 348  
lacks legal capacity to consent, by a person who has legal 349  
authority to consent on behalf of such patient in such 350  
circumstances, including either of the following: 351

(1) The parent, whether the parent is an adult or a minor, 352  
of the parent's minor child; 353

(2) An adult whom the parent of the minor child has given 354  
written authorization to consent to a surgical or medical 355  
procedure or course of procedures for the parent's minor child. 356

Any use of a consent form that fulfills the requirements 357  
stated in divisions (A), (B), and (C) of this section has no 358  
effect on the common law rights and liabilities, including the 359  
right of a physician to obtain the oral or implied consent of a 360  
patient to a medical procedure, that may exist as between 361  
physicians and patients on July 28, 1975. 362

As used in this section the term "hospital" has the same 363  
meaning as in section 2305.113 of the Revised Code; "home health 364  
agency" has the same meaning as in section ~~5101.61~~3701.881 of 365  
the Revised Code; "ambulatory surgical facility" has the meaning 366  
as in division (A) of section 3702.30 of the Revised Code; and 367

"hospice care program" and "pediatric respite care program" have 368  
the same meanings as in section 3712.01 of the Revised Code. The 369  
provisions of this division apply to hospitals, doctors of 370  
medicine, doctors of osteopathic medicine, and doctors of 371  
podiatric medicine. 372

**Sec. 4715.36.** As used in this section and sections 373  
4715.361 to 4715.374 of the Revised Code: 374

(A) "Accredited dental hygiene school" means a dental 375  
hygiene school accredited by the American dental association 376  
commission on dental accreditation or a dental hygiene school 377  
whose educational standards are recognized by the American 378  
dental association commission on dental accreditation and 379  
approved by the state dental board. 380

(B) "Authorizing dentist" means a dentist who authorizes a 381  
dental hygienist to perform dental hygiene services under 382  
section 4715.365 of the Revised Code. 383

(C) "Clinical evaluation" means a diagnosis and treatment 384  
plan formulated for an individual patient by a dentist. 385

(D) "Dentist" means an individual licensed under this 386  
chapter to practice dentistry. 387

(E) "Dental hygienist" means an individual licensed under 388  
this chapter to practice as a dental hygienist. 389

(F) "Dental hygiene services" means the prophylactic, 390  
preventive, and other procedures that dentists are authorized by 391  
this chapter and rules of the state dental board to assign to 392  
dental hygienists, except for procedures while a patient is 393  
anesthetized, definitive root planing, definitive subgingival 394  
curettage, the administration of local anesthesia, and the 395  
procedures specified in rules adopted by the board as described 396

in division (C)(4) of section 4715.22 of the Revised Code.	397
(G) "Facility" means any of the following:	398
(1) A health care facility, as defined in section 4715.22 of the Revised Code;	399 400
(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	401 402
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;	403 404 405 406
(4) A residential facility licensed under section 5123.19 of the Revised Code;	407 408
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	409 410 411 412
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	413 414 415 416
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	417 418 419
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	420 421
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	422 423

(10) A foster home, as defined in section 5103.02 of the Revised Code;	424 425
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	426 427
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section <del>5101.61</del> <u>3701.881</u> of the Revised Code;	428 429 430
(13) A dispensary;	431
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	432 433
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	434 435 436
(16) A facility 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;	437 438 439
(17) A women, infants, and children clinic;	440
(18) A mobile dental unit located at any location listed in divisions (G) (1) to (17) of this section;	441 442
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	443 444 445 446 447 448 449
<b>Sec. 5101.60.</b> As used in sections 5101.60 to <del>5101.71</del>	450



5101.73 of the Revised Code: 451

(A) "Abandonment" means desertion of an adult by a 452  
caretaker without having made provision for transfer of the 453  
adult's care. 454

(B) "Abuse" means the infliction upon an adult by self or 455  
others of injury, unreasonable confinement, intimidation, or 456  
cruel punishment with resulting physical harm, pain, or mental 457  
anguish. 458

~~(B)-(C) "Adult" means any person sixty years of age or~~ 459  
older within this state who is handicapped by the infirmities of 460  
aging or who has a physical or mental impairment which prevents 461  
the person from providing for the person's own care or 462  
protection, and who resides in an independent living 463  
arrangement. ~~An "independent living arrangement" is a domicile~~ 464  
~~of a person's own choosing, including, but not limited to, a~~ 465  
~~private home, apartment, trailer, or rooming house. An~~ 466  
~~"independent living arrangement" includes a residential facility~~ 467  
~~licensed under section 5119.34 of the Revised Code that provides~~ 468  
~~accommodations, supervision, and personal care services for~~ 469  
~~three to sixteen unrelated adults, but does not include other~~ 470  
~~institutions or facilities licensed by the state or facilities~~ 471  
~~in which a person resides as a result of voluntary, civil, or~~ 472  
~~criminal commitment.~~ 473

~~(C)-(D) "Area agency on aging" means a public or private~~ 474  
nonprofit entity designated under section 173.011 of the Revised 475  
Code to administer programs on behalf of the department of 476  
aging. 477

(E) "Caretaker" means the person assuming the primary 478  
responsibility for the care of an adult ~~on~~ by any of the 479

<u>following means:</u>	480
<u>(1) On a voluntary basis,</u> <del> by ;</del>	481
<u>(2) By contract,</u> <del> through ;</del>	482
<u>(3) Through receipt of payment for care,</u> <del> as ;</del>	483
<u>(4) As a result of a family relationship,</u> <del> or by ;</del>	484
<u>(5) By order of a court of competent jurisdiction.</u>	485
<del>(D)</del> <u>(F) "Community mental health agency" means any agency,</u>	486
<u>program, or facility with which a board of alcohol, drug</u>	487
<u>addiction, and mental health services contracts to provide the</u>	488
<u>mental health services listed in section 340.09 of the Revised</u>	489
<u>Code.</u>	490
<u>(G) "Court" means the probate court in the county where an</u>	491
<u>adult resides.</u>	492
<del>(E)</del> <u>(H) "Emergency" means that the adult is living in</u>	493
<u>conditions which present a substantial risk of immediate and</u>	494
<u>irreparable physical harm or death to self or any other person.</u>	495
<del>(F)</del> <u>(I) "Emergency services" means protective services</u>	496
<u>furnished to an adult in an emergency.</u>	497
<del>(G)</del> <u>(J) "Exploitation" means the unlawful or improper act</u>	498
<u>of a <del>caretaker person</del> using, in one or more transactions, an</u>	499
<u>adult or an adult's resources for monetary or personal benefit,</u>	500
<u>profit, or gain when the <del>caretaker person</del> obtained or exerted</u>	501
<u>control over the adult or the adult's resources in any of the</u>	502
<u>following ways:</u>	503
(1) Without the adult's consent or the consent of the	504
person authorized to give consent on the adult's behalf;	505
(2) Beyond the scope of the express or implied consent of	506

the adult or the person authorized to give consent on the 507  
adult's behalf; 508

(3) By deception; 509

(4) By threat; 510

(5) By intimidation. 511

~~(H)~~(K) "In need of protective services" means an adult 512  
known or suspected to be suffering from abuse, neglect, or 513  
exploitation to an extent that either life is endangered or 514  
physical harm, mental anguish, or mental illness results or is 515  
likely to result. 516

~~(I)~~(L) "Incapacitated person" means a person who is 517  
impaired for any reason to the extent that the person lacks 518  
sufficient understanding or capacity to make and carry out 519  
reasonable decisions concerning the person's self or resources, 520  
with or without the assistance of a caretaker. Refusal to 521  
consent to the provision of services shall not be the sole 522  
determinative that the person is incapacitated. "~~Reasonable~~ 523  
~~decisions~~" are decisions made in daily living which facilitate 524  
~~the provision of food, shelter, clothing, and health care~~ 525  
~~necessary for life support.~~ 526

~~(J)~~(M) "Independent living arrangement" means a domicile 527  
of a person's own choosing, including, but not limited to, a 528  
private home, apartment, trailer, or rooming house. "Independent 529  
living arrangement" includes a residential facility licensed 530  
under section 5119.22 of the Revised Code that provides 531  
accommodations, supervision, and personal care services for 532  
three to sixteen unrelated adults, but does not include any 533  
other institution or facility licensed by the state or a 534  
facility in which a person resides as a result of voluntary, 535

civil, or criminal commitment. 536

(N) "Mental illness" means a substantial disorder of 537  
thought, mood, perception, orientation, or memory that grossly 538  
impairs judgment, behavior, capacity to recognize reality, or 539  
ability to meet the ordinary demands of life. 540

~~(K)~~(O) "Neglect" means any of the failure following: 541

(1) Failure of an adult to provide for self the goods or 542  
services necessary to avoid physical harm, mental anguish, or 543  
mental illness ~~or the failure;~~ 544

(2) Failure of a caretaker to provide such goods or 545  
services; 546

(3) Abandonment. 547

~~(L)~~(P) "Outpatient health facility" means a facility 548  
where medical care and preventive, diagnostic, therapeutic, 549  
rehabilitative, or palliative items or services are provided to 550  
outpatients by or under the direction of a physician or dentist. 551

(Q) "Peace officer" means a peace officer as defined in 552  
section 2935.01 of the Revised Code. 553

~~(M)~~(R) "Physical harm" means bodily pain, injury, 554  
impairment, or disease suffered by an adult. 555

~~(N)~~(S) "Protective services" means services provided by 556  
the county department of job and family services or its 557  
designated agency to an adult who has been determined by 558  
evaluation to require such services for the prevention, 559  
correction, or discontinuance of an act of as well as conditions 560  
resulting from abuse, neglect, or exploitation. Protective 561  
services may include, but are not limited to, case work 562  
services, medical care, mental health services, legal services, 563

fiscal management, home health care, homemaker services, 564  
housing-related services, guardianship services, and placement 565  
services as well as the provision of such commodities as food, 566  
clothing, and shelter. 567

~~(O)~~(T) "Reasonable decisions" means decisions made in 568  
daily living that facilitate the provision of food, shelter, 569  
clothing, and health care necessary for life support. 570

(U) "Senior service provider" means a person who provides 571  
care or specialized services to an adult, except that it does 572  
not include the state long-term care ombudsman or a regional 573  
long-term care ombudsman. 574

(V) "Working day" means Monday, Tuesday, Wednesday, 575  
Thursday, and Friday, except when such day is a holiday as 576  
defined in section 1.14 of the Revised Code. 577

~~Sec. 5101.71~~ 5101.61. (A) The county departments of job 578  
and family services shall implement sections 5101.60 to 5101.71 579  
of the Revised Code. ~~The department of job and family services~~ 580  
~~shall provide a program of ongoing, comprehensive, formal~~ 581  
~~training regarding the implementation of sections 5101.60 to~~ 582  
~~5101.71 of the Revised Code and require all adult protective~~ 583  
~~services caseworkers and their supervisors to undergo the~~ 584  
~~training. Training shall not be limited to the procedures for~~ 585  
~~implementing section 5101.62 of the Revised Code. The department~~ 586  
~~of job and family services shall adopt any rules it deems~~ 587  
~~necessary regarding the training.~~ 588

(B) The director of job and family services may adopt 589  
rules in accordance with section 111.15 of the Revised Code to 590  
carry out the purposes of sections 5101.60 to 5101.71 of the 591  
Revised Code. The rules adopted pursuant to this division may 592

include a requirement that the county departments provide on 593  
forms prescribed by the rules a plan of proposed expenditures, 594  
and a report of actual expenditures, of funds necessary to 595  
implement sections 5101.60 to 5101.71 of the Revised Code and 596  
other requirements for intake procedures, investigations, case 597  
management, and the provision of protective services. 598

**Sec. ~~5101.72~~ 5101.611.** The department of job and family 599  
services may reimburse county departments of job and family 600  
services, local law enforcement agencies, and county prosecutors 601  
for all or part of the costs they incur in implementing sections 602  
5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of 603  
job and family services shall adopt internal management rules in 604  
accordance with section 111.15 of the Revised Code that provide 605  
for reimbursement of county departments of job and family 606  
services, local law enforcement agencies, and county prosecutors 607  
under this section. 608

The director shall adopt internal management rules in 609  
accordance with section 111.15 of the Revised Code that do both 610  
of the following: 611

(A) Implement sections 5101.60 to 5101.71 of the Revised 612  
Code; 613

(B) Require the county departments, local law enforcement 614  
agencies, and county prosecutors to collect and submit to the 615  
department, or ensure that a designated agency collects and 616  
submits to the department, data concerning the implementation of 617  
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. 618

**Sec. 5101.62.** The department of job and family services 619  
shall do all of the following: 620

(A) Provide a program of ongoing, comprehensive, formal 621

training on the implementation of sections 5101.60 to 5101.73 of 622  
the Revised Code and require all protective services caseworkers 623  
and their supervisors to undergo the training; 624

(B) Develop and make available educational materials for 625  
individuals who are required under section 5101.63 of the 626  
Revised Code to make reports of abuse, neglect, and 627  
exploitation; 628

(C) Facilitate ongoing cooperation among state agencies on 629  
issues pertaining to the abuse, neglect, or exploitation of 630  
adults. 631

**Sec. ~~5101.61~~ 5101.63.** (A) ~~As used in this section:~~ 632

~~(1) "Senior service provider" means any person who~~ 633  
~~provides care or services to a person who is an adult as defined~~ 634  
~~in division (B) of section 5101.60 of the Revised Code.~~ 635

~~(2) "Ambulatory health facility" means a nonprofit, public~~ 636  
~~or proprietary freestanding organization or a unit of such an~~ 637  
~~agency or organization that:~~ 638

~~(a) Provides preventive, diagnostic, therapeutic,~~ 639  
~~rehabilitative, or palliative items or services furnished to an~~ 640  
~~outpatient or ambulatory patient, by or under the direction of a~~ 641  
~~physician or dentist in a facility which is not a part of a~~ 642  
~~hospital, but which is organized and operated to provide medical~~ 643  
~~care to outpatients;~~ 644

~~(b) Has health and medical care policies which are~~ 645  
~~developed with the advice of, and with the provision of review~~ 646  
~~of such policies, an advisory committee of professional~~ 647  
~~personnel, including one or more physicians, one or more~~ 648  
~~dentists, if dental care is provided, and one or more registered~~ 649  
~~nurses;~~ 650

~~(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;~~ 651  
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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;~~ 656  
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~~(e) Maintains clinical records on all patients;~~ 662

~~(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;~~ 663  
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~~(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;~~ 668  
669

~~(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;~~ 670  
671

~~(i) "Ambulatory health facilities" also includes an 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.~~ 672  
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~~(3) "Community mental health facility" means a facility~~ 679



~~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.~~ 680  
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~~(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.~~ 684  
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~~(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:~~ 687  
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~~(a) Is primarily engaged in providing home health services;~~ 689  
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~~(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;~~ 691  
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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;~~ 698  
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~~(d) Maintains comprehensive records on all patients;~~ 702

~~(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions~~ 703  
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~~(A) (5) (a) to (d) of this section, and is certified under Title 709  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42- 710  
U.S.C. 301, as amended. 711~~

~~(6) "Home health service" means the following items and 712  
services, provided, except as provided in division (A) (6) (g) of 713  
this section, on a visiting basis in a place of residence used 714  
as the patient's home: 715~~

~~(a) Nursing care provided by or under the supervision of a 716  
registered professional nurse; 717~~

~~(b) Physical, occupational, or speech therapy ordered by 718  
the patient's attending physician; 719~~

~~(c) Medical social services performed by or under the 720  
supervision of a qualified medical or psychiatric social worker 721  
and under the direction of the patient's attending physician; 722~~

~~(d) Personal health care of the patient performed by aides 723  
in accordance with the orders of a doctor of medicine or 724  
osteopathy and under the supervision of a registered 725  
professional nurse; 726~~

~~(e) Medical supplies and the use of medical appliances; 727~~

~~(f) Medical services of interns and residents in training 728  
under an approved teaching program of a nonprofit hospital and 729  
under the direction and supervision of the patient's attending 730  
physician; 731~~

~~(g) Any of the foregoing items and services which: 732~~

~~(i) Are provided on an outpatient basis under arrangements 733  
made by the home health agency at a hospital or skilled nursing 734  
facility; 735~~

~~(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.~~

~~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 (1) Any individual listed in  
division (A) (2) of this section having reasonable cause to  
believe that an adult is being abused, neglected, or exploited,  
or is in a condition which is the result of abuse, neglect, or  
exploitation shall immediately report such belief to the county  
department of job and family services. This section does not  
apply to employees of any hospital or public hospital as defined  
in section 5122.01 of the Revised Code.~~

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

<u>(a) An attorney admitted to the practice of law in this state;</u>	766 767
<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>	768 769 770
<u>(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;</u>	771 772
<u>(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;</u>	773 774
<u>(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;</u>	775 776
<u>(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;</u>	777 778
<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>	779 780 781 782 783
<u>(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;</u>	784 785
<u>(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;</u>	786 787 788
<u>(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;</u>	789 790
<u>(k) An employee of an outpatient health facility;</u>	791
<u>(l) An employee of a hospital, as defined in section</u>	792

<u>3727.01 of the Revised Code;</u>	793
<u>(m) An employee of a hospital or public hospital, as</u>	794
<u>defined in section 5122.01 of the Revised Code;</u>	795
<u>(n) An employee of a nursing home or residential care</u>	796
<u>facility, as defined in section 3721.01 of the Revised Code;</u>	797
<u>(o) An employee of a residential facility licensed under</u>	798
<u>section 5119.22 of the Revised Code that provides</u>	799
<u>accommodations, supervision, and personal care services for</u>	800
<u>three to sixteen unrelated adults;</u>	801
<u>(p) An employee of a health department operated by the</u>	802
<u>board of health of a city or general health district or the</u>	803
<u>authority having the duties of a board of health under section</u>	804
<u>3709.05 of the Revised Code;</u>	805
<u>(q) An employee of a community mental health agency, as</u>	806
<u>defined in section 5122.01 of the Revised Code;</u>	807
<u>(r) An agent of a county humane society organized under</u>	808
<u>section 1717.05 of the Revised Code;</u>	809
<u>(s) An individual who is a firefighter for a lawfully</u>	810
<u>constituted fire department;</u>	811
<u>(t) An individual who is an ambulance driver for an</u>	812
<u>emergency medical service organization, as defined in section</u>	813
<u>4765.01 of the Revised Code;</u>	814
<u>(u) A first responder, emergency medical technician-basic,</u>	815
<u>emergency medical technician-intermediate, or paramedic, as</u>	816
<u>those terms are defined in section 4765.01 of the Revised Code;</u>	817
<u>(v) An official employed by a local building department to</u>	818
<u>conduct inspections of houses and other residential buildings;</u>	819

<u>(w) A peace officer;</u>	820
<u>(x) A coroner;</u>	821
<u>(y) A member of the clergy;</u>	822
<u>(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;</u>	823 824 825 826
<u>(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;</u>	827 828
<u>(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;</u>	829 830
<u>(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;</u>	831 832 833
<u>(dd) An investment adviser, as defined in section 1707.01 of the Revised Code;</u>	834 835
<u>(ee) A financial planner accredited by a national accreditation agency;</u>	836 837
<u>(ff) Any other individual who is a senior service provider.</u>	838 839
(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause <del>reports</del> <u>a report</u> to be made of such belief to the <u>county department of job and family services.</u>	840 841 842 843
(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	844 845 846

department. Written reports shall include: 847

(1) The name, address, and approximate age of the adult 848  
who is the subject of the report; 849

(2) The name and address of the individual responsible for 850  
the adult's care, if any individual is, and if the individual is 851  
known; 852

(3) The nature and extent of the alleged abuse, neglect, 853  
or exploitation of the adult; 854

(4) The basis of the reporter's belief that the adult has 855  
been abused, neglected, or exploited. 856

(D) Any person with reasonable cause to believe that an 857  
adult is suffering abuse, neglect, or exploitation who makes a 858  
report pursuant to this section or who testifies in any 859  
administrative or judicial proceeding arising from such a 860  
report, or any employee of the state or any of its subdivisions 861  
who is discharging responsibilities under section ~~5101.62~~ 862  
5101.65 of the Revised Code shall be immune from civil or 863  
criminal liability on account of such investigation, report, or 864  
testimony, except liability for perjury, unless the person has 865  
acted in bad faith or with malicious purpose. 866

(E) No employer or any other person with the authority to 867  
do so shall ~~discharge~~ do any of the following as a result of an 868  
employee's having filed a report under this section: 869

(1) Discharge, demote, transfer, or prepare a negative 870  
work performance evaluation, ~~or reduce~~; 871

(2) Reduce benefits, pay, or work privileges, ~~or take~~; 872

(3) Take any other action detrimental to an employee or in 873  
any way retaliate against ~~an the employee as a result of the~~ 874

~~employee's having filed a report under this section.~~ 875

(F) The written or oral report provided for in this 876  
section and the investigatory report provided for in section 877  
~~5101.62-5101.65~~ of the Revised Code are confidential and are not 878  
public records, as defined in section 149.43 of the Revised 879  
Code. In accordance with rules adopted by the department of job 880  
and family services, information contained in the report shall 881  
upon request be made available to the adult who is the subject 882  
of the report and to legal counsel for the adult. If it 883  
determines that there is a risk of harm to a person who makes a 884  
report under this section or to the adult who is the subject of 885  
the report, the county department of job and family services may 886  
redact the name and identifying information related to the 887  
person who made the report. 888

(G) The county department of job and family services shall 889  
be available to receive the written or oral report provided for 890  
in this section twenty-four hours a day and seven days a week. 891

**Sec. ~~5101.612~~ 5101.631.** (A) The department of job and 892  
family services shall establish and maintain a uniform statewide 893  
automated adult protective services information system. The 894  
information system shall contain records regarding all of the 895  
following: 896

(1) All reports of abuse, neglect, or exploitation of 897  
adults made to county departments of job and family services 898  
under section ~~5101.61-5101.63~~ of the Revised Code; 899

(2) Investigations conducted under section ~~5101.62-5101.65~~ 900  
of the Revised Code; 901

(3) Protective services provided to adults pursuant to 902  
sections 5101.60 to ~~5101.71-5101.73~~ of the Revised Code; 903



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

(B) The department shall plan implementation of the information system on a county-by-county basis. The department shall promptly notify all county departments of the initiation and completion of statewide implementation of the information system.

(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.

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

~~(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.~~

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

(a) Access or use information contained in the information

system; 933

(b) Disclose information obtained from the information 934  
system. 935

~~(3) Information contained in the information system may be 936  
accessed or used only in a manner, to the extent, and for the 937  
purposes, authorized by rules adopted by the department. 938~~

Sec. 5101.632. Each entity that employs or is responsible 939  
for licensing or regulating the individuals required under 940  
section 5101.63 of the Revised Code to make reports of abuse, 941  
neglect, or exploitation of adults shall ensure that the 942  
individuals have access to the educational materials developed 943  
under division (B) of section 5101.62 of the Revised Code. 944

~~Sec. 5101.611~~ 5101.64. (A) If a county department of job 945  
and family services knows or has reasonable cause to believe 946  
that the subject of a report made under section ~~5101.61~~ 5101.63 947  
of the Revised Code or of an investigation conducted under 948  
~~sections 5101.62 to 5101.64~~ section 5101.65 of the Revised Code 949  
is an individual with a developmental disability as defined in 950  
section 5126.01 of the Revised Code, the county department shall 951  
refer the case to the county board of developmental disabilities 952  
of that county for review pursuant to section 5126.31 of the 953  
Revised Code. 954

If a county board of developmental disabilities refers a 955  
case to the county department of job and family services in 956  
accordance with section 5126.31, the county department of job 957  
and family services shall proceed with the case in accordance 958  
with sections 5101.60 to 5101.71 of the Revised Code. 959

(B) If a county department of job and family services 960  
knows or has reasonable cause to believe that the subject of a 961

report made under section ~~5101.61~~ 5101.63 of the Revised Code or 962  
of an investigation conducted under ~~sections 5101.62 to 5101.64~~ 963  
section 5101.65 of the Revised Code is a resident of a long-term 964  
care facility, as defined in section 173.14 of the Revised Code, 965  
the department shall refer the case to the office of the state 966  
long-term care ombudsman program for review pursuant to section 967  
173.19 of the Revised Code. 968

If the state ombudsman or regional long-term care 969  
ombudsman program refers a case to the county department of job 970  
and family services in accordance with rules adopted pursuant to 971  
section 173.20 of the Revised Code, the county department shall 972  
proceed with the case in accordance with sections 5101.60 to 973  
5101.71 of the Revised Code. 974

(C) If a county department of job and family services 975  
knows or has reasonable cause to believe that the subject of a 976  
report made under section ~~5101.61~~ 5101.63 of the Revised Code or 977  
of an investigation conducted under ~~sections 5101.62 to 5101.64~~ 978  
section 5101.65 of the Revised Code is a resident of a nursing 979  
home, as defined in section 3721.01 of the Revised Code, and has 980  
allegedly been abused, neglected, or exploited by an employee of 981  
the nursing home, the department shall refer the case to the 982  
department of health for investigation pursuant to section 983  
3721.031 of the Revised Code. 984

(D) If a county department of job and family services 985  
knows or has reasonable cause to believe that the subject of a 986  
report made under section ~~5101.61~~ 5101.63 of the Revised Code or 987  
of an investigation conducted under ~~sections 5101.62 to 5101.64~~ 988  
section 5101.65 of the Revised Code is a child, as defined in 989  
section 5153.01 of the Revised Code, the department shall refer 990  
the case to the public children services agency of that county. 991

(E) If a county department of job and family services 992  
knows or has reasonable cause to believe that the subject of a 993  
report made under section 5101.63 of the Revised Code or of an 994  
investigation conducted under section 5101.65 of the Revised 995  
Code is being or has been criminally exploited, the department 996  
shall notify a local law enforcement agency with jurisdiction 997  
over the area where the subject resides. 998

(F) A referral by the county department of job and family 999  
services of a case to another public regulatory agency or 1000  
investigatory entity pursuant to this section shall be made in 1001  
accordance with rules adopted by the department of job and 1002  
family services. 1003

**Sec. ~~5101.62~~ 5101.65.** The county department of job and 1004  
family services or its designee shall be responsible for the 1005  
investigation of all reports provided for in section 173.20 or 1006  
~~5101.61~~ 5101.63 and all cases referred to it under section 1007  
5126.31 of the Revised Code and for evaluating the need for and, 1008  
to the extent of available funds, providing or arranging for the 1009  
provision of protective services. 1010

Investigation of the report provided for in section 1011  
~~5101.61~~ 5101.63 or a case referred to the department under 1012  
section 5126.31 of the Revised Code shall be initiated within 1013  
twenty-four hours after the department receives the report or 1014  
case if any emergency exists; otherwise investigation shall be 1015  
initiated within three working days. 1016

Investigation of the need for protective services shall 1017  
include a face-to-face visit with the adult who is the subject 1018  
of the report, preferably in the adult's residence, and 1019  
consultation with the person who made the report, if feasible, 1020  
and agencies or persons who have information about the adult's 1021

alleged abuse, neglect, or exploitation. 1022

The department shall give written notice of the intent of 1023  
the investigation and an explanation of the notice in language 1024  
reasonably understandable to the adult who is the subject of the 1025  
investigation, at the time of the initial interview with that 1026  
person. 1027

Upon completion of the investigation, the department shall 1028  
determine from its findings whether or not the adult who is the 1029  
subject of the report is in need of protective services. No 1030  
adult shall be determined to be abused, neglected, or in need of 1031  
protective services for the sole reason that, in lieu of medical 1032  
treatment, the adult relies on or is being furnished spiritual 1033  
treatment through prayer alone in accordance with the tenets and 1034  
practices of a church or religious denomination of which the 1035  
adult is a member or adherent. The department shall write a 1036  
report which confirms or denies the need for protective services 1037  
and states why it reached this conclusion. 1038

**Sec. ~~5101.63~~ 5101.651.** If, during the course of an 1039  
investigation conducted under section ~~5101.62~~ 5101.65 of the 1040  
Revised Code, any person, including the adult who is the subject 1041  
of the investigation, denies or obstructs access to the 1042  
residence of the adult, the county department of job and family 1043  
services may file a petition in court for a temporary 1044  
restraining order to prevent the interference or obstruction. 1045  
The court shall issue a temporary restraining order to prevent 1046  
the interference or obstruction if it finds there is reasonable 1047  
cause to believe that the adult is being or has been abused, 1048  
neglected, or exploited and access to the person's residence has 1049  
been denied or obstructed. Such a finding is prima-facie 1050  
evidence that immediate and irreparable injury, loss, or damage 1051

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  
duties:

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

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

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

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

**Sec. ~~5101.65~~ 5101.68.** If the county department of job and  
family services determines that an adult is in need of  
protective services and is an incapacitated person, the  
department may petition the court for an order authorizing the

provision of protective services. If the adult is in need of 1081  
protective services as a result of exploitation, the county 1082  
prosecutor may file the petition. The petition shall state the 1083  
specific facts alleging the abuse, neglect, or exploitation and 1084  
shall include a proposed protective service plan. Any plan for 1085  
protective services shall be specified in the petition. 1086

**Sec. ~~5101.66~~ 5101.681.** Notice of a petition for the 1087  
provision of court-ordered protective services as provided for 1088  
in section ~~5101.65~~ 5101.68 of the Revised Code shall be 1089  
personally served upon the adult who is the subject of the 1090  
petition at least five working days prior to the date set for 1091  
the hearing as provided in section ~~5101.67~~ 5101.682 of the 1092  
Revised Code. Notice shall be given either orally ~~and or~~ in 1093  
writing in language reasonably understandable to the adult. The 1094  
notice shall include the names of all petitioners, the basis of 1095  
the belief that protective services are needed, the rights of 1096  
the adult in the court proceedings, and the consequences of a 1097  
court order for protective services. The adult shall be informed 1098  
of ~~his~~ the right to counsel and ~~his~~ the right to appointed 1099  
counsel if ~~he~~ the adult is indigent and if appointed counsel is 1100  
requested. Written notice by certified mail shall also be given 1101  
to the adult's guardian, legal counsel, caretaker, and spouse, 1102  
if any, or if ~~he~~ the adult has none of these, to ~~his~~ the adult's 1103  
adult children or next of kin, if any, or to any other person as 1104  
the court may require. The adult who is the subject of the 1105  
petition may not waive notice as provided in this section. 1106

**Sec. ~~5101.67~~ 5101.682.** (A) The court shall hold a hearing 1107  
on the petition as provided in section ~~5101.65~~ 5101.68 of the 1108  
Revised Code within fourteen days after its filing. The adult 1109  
who is the subject of the petition shall have the right to be 1110  
present at the hearing, present evidence, and examine and cross- 1111

examine witnesses. The adult shall be represented by counsel 1112  
unless the right to counsel is knowingly waived. If the adult is 1113  
indigent, the court shall appoint counsel to represent the 1114  
adult. If the court determines that the adult lacks the capacity 1115  
to waive the right to counsel, the court shall appoint counsel 1116  
to represent the adult's interests. 1117

(B) If the court finds, on the basis of clear and 1118  
convincing evidence, that the adult has been abused, neglected, 1119  
or exploited, is in need of protective services, and is 1120  
incapacitated, and no person authorized by law or by court order 1121  
is available to give consent, it shall issue an order requiring 1122  
the provision of protective services only if they are available 1123  
locally. 1124

(C) If the court orders placement under this section it 1125  
shall give consideration to the choice of residence of the 1126  
adult. The court may order placement in settings which have been 1127  
approved by the department of job and family services as meeting 1128  
at least minimum community standards for safety, security, and 1129  
the requirements of daily living. The court shall not order an 1130  
institutional placement unless it has made a specific finding 1131  
entered in the record that no less restrictive alternative can 1132  
be found to meet the needs of the individual. No individual may 1133  
be committed to a hospital or public hospital as defined in 1134  
section 5122.01 of the Revised Code pursuant to this section. 1135

(D) The placement of an adult pursuant to court order as 1136  
provided in this section shall not be changed unless the court 1137  
authorized the transfer of placement after finding compelling 1138  
reasons to justify the transfer. Unless the court finds that an 1139  
emergency exists, the court shall notify the adult of a transfer 1140  
at least thirty days prior to the actual transfer. 1141



(E) A court order provided for in this section shall 1142  
remain in effect for no longer than six months. Thereafter, the 1143  
county department of job and family services shall review the 1144  
adult's need for continued services and, if the department 1145  
determines that there is a continued need, it shall apply for a 1146  
renewal of the order for additional periods of no longer than 1147  
one year each. The adult who is the subject of the court-ordered 1148  
services may petition for modification of the order at any time. 1149

**Sec. ~~5101.68~~ 5101.69.** (A) If an adult has consented to the 1150  
provision of protective services but any other person refuses to 1151  
allow such provision, the county department of ~~human~~ job and 1152  
family services or the county prosecutor may petition the court 1153  
for a temporary restraining order to restrain the person from 1154  
interfering with the provision of protective services for the 1155  
adult. 1156

(B) The petition shall state specific facts sufficient to 1157  
demonstrate the need for protective services, the consent of the 1158  
adult, and the refusal of some other person to allow the 1159  
provision of these services. 1160

(C) Notice of the petition shall be given in language 1161  
reasonably understandable to the person alleged to be 1162  
interfering with the provision of services; 1163

(D) The court shall hold a hearing on the petition within 1164  
fourteen days after its filing. If the court finds that the 1165  
protective services are necessary, that the adult has consented 1166  
to the ~~provisions~~ provision of such services, and that the 1167  
person who is the subject of the petition has prevented such 1168  
provision, the court shall issue a temporary restraining order 1169  
to restrain the person from interfering with the provision of 1170  
protective services to the adult. 1171

**Sec. ~~5101.69~~ 5101.70.** (A) Upon petition by the county 1172  
department of job and family services ~~or its~~, the department's 1173  
designee, or the county prosecutor, the court may issue an order 1174  
authorizing the provision of protective services on an emergency 1175  
basis to an adult. The petition for any emergency order shall 1176  
include all of the following: 1177

(1) The name, age, and address of the adult in need of 1178  
protective services; 1179

(2) The nature of the emergency; 1180

(3) The proposed protective services; 1181

(4) The petitioner's reasonable belief, together with 1182  
facts supportive thereof, as to the existence of the 1183  
circumstances described in divisions (D)(1) to (3) of this 1184  
section; 1185

(5) Facts showing the petitioner's attempts to obtain the 1186  
adult's consent to the protective services. 1187

(B) Notice of the filing and contents of the petition 1188  
provided for in division (A) of this section, the rights of the 1189  
person in the hearing provided for in division (C) of this 1190  
section, and the possible consequences of a court order, shall 1191  
be given to the adult. Notice shall also be given to the spouse 1192  
of the adult or, if the adult has none, to the adult's adult 1193  
children or next of kin, and the adult's guardian, if any, if 1194  
the guardian's whereabouts are known. The notice shall be given 1195  
in language reasonably understandable to its recipients at least 1196  
twenty-four hours prior to the hearing provided for in this 1197  
section. The court may waive the twenty-four hours' notice 1198  
requirement upon a showing that both of the following are the 1199  
case: 1200

(1) Immediate and irreparable physical harm or immediate 1201  
and irreparable financial harm to the adult or others will 1202  
result from the twenty-four hour delay; 1203

(2) Reasonable attempts have been made to notify the 1204  
adult, the adult's spouse, or, if the adult has none, the 1205  
adult's adult children or next of kin, if any, and the adult's 1206  
guardian, if any, if the guardian's whereabouts are known. 1207

Notice of the court's determination shall be given to all 1208  
persons receiving notice of the filing of the petition provided 1209  
for in this division. 1210

(C) Upon receipt of a petition for an order for emergency 1211  
services, the court shall hold a hearing no sooner than twenty- 1212  
four and no later than seventy-two hours after the notice 1213  
provided for in division (B) of this section has been given, 1214  
unless the court has waived the notice. The adult who is the 1215  
subject of the petition shall have the right to be present at 1216  
the hearing, present evidence, and examine and cross-examine 1217  
witnesses. 1218

(D) The court shall issue an order authorizing the 1219  
provision of protective services on an emergency basis if it 1220  
finds, on the basis of clear and convincing evidence, all of the 1221  
following: 1222

(1) The adult is an incapacitated person; 1223

(2) An emergency exists; 1224

(3) No person authorized by law or court order to give 1225  
consent for the adult is available or willing to consent to 1226  
emergency services. 1227

(E) In issuing an emergency order, the court shall adhere 1228

to the following limitations: 1229

(1) The court shall order only such protective services as 1230  
are necessary and available locally to remove the conditions 1231  
creating the emergency, and the court shall specifically 1232  
designate those protective services the adult shall receive; 1233

(2) The court shall not order any change of residence 1234  
under this section unless the court specifically finds that a 1235  
change of residence is necessary; 1236

(3) The court may order emergency services only for 1237  
fourteen days. The county department ~~or its~~, the department's 1238  
designee, or the county prosecutor may petition the court for a 1239  
renewal of the order for a fourteen-day period upon a showing 1240  
that continuation of the order is necessary to remove the 1241  
emergency. 1242

(4) In its order the court shall authorize the director of 1243  
the county department, the director's designee, or a 1244  
representative of the department's designee to give consent for 1245  
the person for the approved emergency services until the 1246  
expiration of the order; 1247

(5) The court shall not order a person to a hospital or 1248  
public hospital as defined in section 5122.01 of the Revised 1249  
Code. 1250

(F) If the county department or its designee determines 1251  
that the adult continues to need protective services after the 1252  
order provided for in division (D) of this section has expired, 1253  
the county department ~~or its~~, the department's designee, or the 1254  
county prosecutor may petition the court for an order to 1255  
continue protective services, pursuant to section ~~5101.65~~ 1256  
5101.68 of the Revised Code. After the filing of the petition, 1257

the county department or its designee may continue to provide 1258  
protective services pending a hearing by the court. 1259

**Sec. ~~5101.691~~ 5101.701.** (A) A court, through a probate 1260  
judge or a magistrate under the direction of a probate judge, 1261  
may issue by telephone an ex parte emergency order authorizing 1262  
the provision of protective services, including the relief 1263  
available under division (B) of section ~~5101.692~~ 5101.702 of the 1264  
Revised Code, to an adult on an emergency basis if all of the 1265  
following are the case: 1266

(1) The court receives notice from the county department 1267  
of job and family services, an authorized employee of the county 1268  
department, the department's designee, or an authorized employee 1269  
of the department's designee, that the county department, 1270  
designee, or employee believes an emergency order is needed as 1271  
described in this section. 1272

(2) There is reasonable cause to believe that the adult is 1273  
incapacitated. 1274

(3) There is reasonable cause to believe that there is a 1275  
substantial risk to the adult of immediate and irreparable 1276  
physical harm, immediate and irreparable financial harm, or 1277  
death. 1278

(B) (1) The judge or magistrate shall journalize any order 1279  
issued under this section. 1280

(2) An order issued under this section shall be in effect 1281  
for not longer than twenty-four hours, except that if the day 1282  
following the day on which the order is issued is not a working 1283  
day, the order shall remain in effect until the next working 1284  
day. 1285

(C) (1) Except as provided in division (C) (2) of this 1286

section, not later than twenty-four hours after an order is 1287  
issued under this section, a petition shall be filed with the 1288  
court in accordance with division (A) of section ~~5101.69~~5101.70 1289  
of the Revised Code. 1290

(2) If the day following the day on which the order was 1291  
issued is not a working day, the petition shall be filed with 1292  
the court on the next working day. 1293

(3) Except as provided in section ~~5101.692~~5101.702 of the 1294  
Revised Code, proceedings on the petition shall be conducted in 1295  
accordance with section ~~5101.69~~5101.70 of the Revised Code. 1296

**Sec. ~~5101.692~~ 5101.702.** (A) If an order is issued pursuant 1297  
to section ~~5101.691~~5101.701 of the Revised Code, the court 1298  
shall hold a hearing not later than twenty-four hours after the 1299  
issuance to determine whether there is probable cause for the 1300  
order, except that if the day following the day on which the 1301  
order is issued is not a working day, the court shall hold the 1302  
hearing on the next working day. 1303

(B) At the hearing, the court: 1304

(1) Shall determine whether protective services are the 1305  
least restrictive alternative available for meeting the adult's 1306  
needs; 1307

(2) May issue temporary orders to protect the adult from 1308  
immediate and irreparable physical harm or immediate and 1309  
irreparable financial harm, including, but not limited to, 1310  
temporary protection orders, evaluations, and orders requiring a 1311  
party to vacate the adult's place of residence or legal 1312  
settlement; 1313

(3) May order emergency services; 1314

(4) May freeze the financial assets of the adult. 1315

(C) A temporary order issued pursuant to division (B) (2) 1316  
of this section is effective for thirty days. The court may 1317  
renew the order for an additional thirty-day period. 1318

Information contained in the order may be entered into the 1319  
law enforcement automated data system. 1320

**Sec. ~~5101.70~~ 5101.71.** (A) If it appears that an adult in 1321  
need of protective services has the financial means sufficient 1322  
to pay for such services, the county department of job and 1323  
family services shall make an evaluation regarding such means. 1324  
If the evaluation establishes that the adult has such financial 1325  
means, the department shall initiate procedures for 1326  
reimbursement pursuant to rules ~~promulgated by the department~~ 1327  
adopted under section 5101.61 of the Revised Code. If the 1328  
evaluation establishes that the adult does not have such 1329  
financial means, the services shall be provided in accordance 1330  
with the policies and procedures established by the department 1331  
of job and family services for the provision of welfare 1332  
assistance. An adult shall not be required to pay for court- 1333  
ordered protective services unless the court determines ~~upon a~~ 1334  
~~showing by the department~~ that the adult is financially able to 1335  
pay and the court orders the adult to pay. 1336

(B) Whenever the county department of job and family 1337  
services or the county prosecutor has petitioned the court to 1338  
authorize the provision of protective services and the adult who 1339  
is the subject of the petition is indigent, the court shall 1340  
appoint legal counsel. 1341

**Sec. 5101.73.** If, during the course of an investigation by 1342  
a local law enforcement agency of criminal exploitation, any 1343

person, including the adult who is the alleged victim, denies or 1344  
obstructs access to the residence of the adult, the county 1345  
prosecutor may file a petition in court for a temporary 1346  
restraining order to prevent the interference or obstruction. 1347  
The court shall issue a temporary restraining order to prevent 1348  
the interference or obstruction if it finds there is reasonable 1349  
cause to believe that the adult is being or has been abused, 1350  
neglected, or exploited and access to the person's residence has 1351  
been denied or obstructed. Such a finding is prima facie 1352  
evidence that immediate and irreparable injury, loss, or damage 1353  
will result, so that notice is not required. After obtaining an 1354  
order restraining the obstruction of or interference with the 1355  
access of the local law enforcement agency representative, the 1356  
representative may be accompanied to the residence by a peace 1357  
officer. 1358

**Sec. 5101.74.** (A) There is hereby created the elder abuse 1359  
commission. The commission shall consist of the following 1360  
members: 1361

(1) The following members, appointed by the attorney 1362  
general: 1363

(a) One representative of the AARP; 1364

(b) One representative of the buckeye state sheriffs' 1365  
association; 1366

(c) One representative of the county commissioners' 1367  
association of Ohio; 1368

(d) One representative of the Ohio association of area 1369  
agencies on aging; 1370

(e) One representative of the board of nursing; 1371



<u>(f) One representative of the Ohio coalition for adult protective services;</u>	1372
	1373
<u>(g) One person who represents the interests of elder abuse victims;</u>	1374
	1375
<u>(h) One person who represents the interests of elderly persons;</u>	1376
	1377
<u>(i) One representative of the Ohio domestic violence network;</u>	1378
	1379
<u>(j) One representative of the Ohio prosecuting attorneys association;</u>	1380
	1381
<u>(k) One representative of the Ohio victim witness association;</u>	1382
	1383
<u>(l) One representative of the Ohio association of chiefs of police;</u>	1384
	1385
<u>(m) One representative of the Ohio association of probate judges;</u>	1386
	1387
<u>(n) One representative of the Ohio job and family services directors' association;</u>	1388
	1389
<u>(o) One representative of the Ohio bankers league;</u>	1390
<u>(p) One representative of the Ohio credit union league;</u>	1391
<u>(q) Two representatives of national organizations that focus on elder abuse or sexual violence.</u>	1392
	1393
<u>(2) The following ex officio members:</u>	1394
<u>(a) The attorney general or the attorney general's designee;</u>	1395
	1396
<u>(b) The chief justice of the supreme court of Ohio or the</u>	1397

<u>chief justice's designee;</u>	1398
<u>(c) The governor or the governor's designee;</u>	1399
<u>(d) The director of aging or the director's designee;</u>	1400
<u>(e) The director of job and family services or the</u> <u>director's designee;</u>	1401 1402
<u>(f) The director of health or the director's designee;</u>	1403
<u>(g) The director of mental health and addiction services</u> <u>or the director's designee;</u>	1404 1405
<u>(h) The director of developmental disabilities or the</u> <u>director's designee;</u>	1406 1407
<u>(i) The superintendent of insurance or the</u> <u>superintendent's designee;</u>	1408 1409
<u>(j) The director of public safety or the director's</u> <u>designee;</u>	1410 1411
<u>(k) The state long-term care ombudsman or the ombudsman's</u> <u>designee;</u>	1412 1413
<u>(l) One member of the house of representatives, appointed</u> <u>by the speaker of the house of representatives;</u>	1414 1415
<u>(m) One member of the senate, appointed by the president</u> <u>of the senate.</u>	1416 1417
<u>(B) Members who are appointed shall serve at the pleasure</u> <u>of the appointing authority. Vacancies shall be filled in the</u> <u>same manner as original appointments.</u>	1418 1419 1420
<u>(C) All members of the commission shall serve as voting</u> <u>members. The attorney general shall select from among the</u> <u>appointed members a chairperson. The commission shall meet at</u>	1421 1422 1423

the call of the chairperson, but not less than four times per 1424  
year. Special meetings may be called by the chairperson and 1425  
shall be called by the chairperson at the request of the 1426  
attorney general. The commission may establish its own quorum 1427  
requirements and procedures regarding the conduct of meetings 1428  
and other affairs. 1429

(D) Members shall serve without compensation, but may be 1430  
reimbursed for mileage and other actual and necessary expenses 1431  
incurred in the performance of their official duties. 1432

(E) Sections 101.82 to 101.87 of the Revised Code do not 1433  
apply to the elder abuse commission. 1434

**Sec. 5101.741.** (A) The elder abuse commission shall 1435  
formulate and recommend strategies on all of the following: 1436

(1) Increasing awareness of and improving education on 1437  
elder abuse; 1438

(2) Increasing research on elder abuse; 1439

(3) Improving policy, funding, and programming related to 1440  
elder abuse; 1441

(4) Improving the judicial response to elder abuse 1442  
victims; 1443

(5) Identifying ways to coordinate statewide efforts to 1444  
address elder abuse. 1445

(B) The commission shall review current funding of adult 1446  
protective services and shall report on the cost to the state 1447  
and county departments of job and family services of 1448  
implementing its recommendations. 1449

(C) The commission shall prepare and issue a biennial 1450

report on a plan of action that may be used by local communities 1451  
to aid in the development of efforts to combat elder abuse. The 1452  
report shall include the commission's findings and 1453  
recommendations made under divisions (A) and (B) of this 1454  
section. 1455

(D) The attorney general may adopt rules as necessary for 1456  
the commission to carry out its duties. The rules shall be 1457  
adopted in accordance with section 111.15 of the Revised Code. 1458

**Sec. 5101.99.** (A) Whoever violates division (A) ~~or (B)~~ of 1459  
section ~~5101.61-5101.63~~ of the Revised Code shall be fined not 1460  
more than five hundred dollars. 1461

(B) Whoever violates division (A) of section 5101.27 of 1462  
the Revised Code is guilty of a misdemeanor of the first degree. 1463

(C) Whoever violates section 5101.133 or division (C) (2) 1464  
of section ~~5101.612-5101.631~~ of the Revised Code is guilty of a 1465  
misdemeanor of the fourth degree. 1466

**Sec. 5123.61.** (A) As used in this section: 1467

(1) "Law enforcement agency" means the state highway 1468  
patrol, the police department of a municipal corporation, or a 1469  
county sheriff. 1470

(2) "Abuse" has the same meaning as in section 5123.50 of 1471  
the Revised Code, except that it includes a misappropriation, as 1472  
defined in that section. 1473

(3) "Neglect" has the same meaning as in section 5123.50 1474  
of the Revised Code. 1475

(B) The department of developmental disabilities shall 1476  
establish a registry office for the purpose of maintaining 1477  
reports of abuse, neglect, and other major unusual incidents 1478

made to the department under this section and reports received 1479  
from county boards of developmental disabilities under section 1480  
5126.31 of the Revised Code. The department shall establish 1481  
committees to review reports of abuse, neglect, and other major 1482  
unusual incidents. 1483

(C) (1) Any person listed in division (C) (2) of this 1484  
section, having reason to believe that an individual with a 1485  
developmental disability has suffered or faces a substantial 1486  
risk of suffering any wound, injury, disability, or condition of 1487  
such a nature as to reasonably indicate abuse or neglect of that 1488  
individual, shall immediately report or cause reports to be made 1489  
of such information to the entity specified in this division. 1490  
Except as provided in section 5120.173 of the Revised Code or as 1491  
otherwise provided in this division, the person making the 1492  
report shall make it to a law enforcement agency or to the 1493  
county board of developmental disabilities. If the report 1494  
concerns a resident of a facility operated by the department of 1495  
developmental disabilities the report shall be made either to a 1496  
law enforcement agency or to the department. If the report 1497  
concerns any act or omission of an employee of a county board of 1498  
developmental disabilities, the report immediately shall be made 1499  
to the department and to the county board. 1500

(2) All of the following persons are required to make a 1501  
report under division (C) (1) of this section: 1502

(a) Any physician, including a hospital intern or 1503  
resident, any dentist, podiatrist, chiropractor, practitioner of 1504  
a limited branch of medicine as specified in section 4731.15 of 1505  
the Revised Code, hospital administrator or employee of a 1506  
hospital, nurse licensed under Chapter 4723. of the Revised 1507  
Code, employee of an ~~ambulatory~~ outpatient health facility as 1508

defined in section ~~5101.61~~5101.60 of the Revised Code, employee 1509  
of a home health agency, employee of a residential facility 1510  
licensed under section 5119.34 of the Revised Code that provides 1511  
accommodations, supervision, and personal care services for 1512  
three to sixteen unrelated adults, or employee of a community 1513  
mental health facility; 1514

(b) Any school teacher or school authority, licensed 1515  
professional clinical counselor, licensed professional 1516  
counselor, independent social worker, social worker, independent 1517  
marriage and family therapist, marriage and family therapist, 1518  
psychologist, attorney, peace officer, coroner, or residents' 1519  
rights advocate as defined in section 3721.10 of the Revised 1520  
Code; 1521

(c) A superintendent, board member, or employee of a 1522  
county board of developmental disabilities; an administrator, 1523  
board member, or employee of a residential facility licensed 1524  
under section 5123.19 of the Revised Code; an administrator, 1525  
board member, or employee of any other public or private 1526  
provider of services to an individual with a developmental 1527  
disability, or any developmental disabilities employee, as 1528  
defined in section 5123.50 of the Revised Code; 1529

(d) A member of a citizen's advisory council established 1530  
at an institution or branch institution of the department of 1531  
developmental disabilities under section 5123.092 of the Revised 1532  
Code; 1533

(e) A member of the clergy who is employed in a position 1534  
that includes providing specialized services to an individual 1535  
with a developmental disability, while acting in an official or 1536  
professional capacity in that position, or a person who is 1537  
employed in a position that includes providing specialized 1538

services to an individual with a developmental disability and 1539  
who, while acting in an official or professional capacity, 1540  
renders spiritual treatment through prayer in accordance with 1541  
the tenets of an organized religion. 1542

(3) (a) The reporting requirements of this division do not 1543  
apply to employees of the Ohio protection and advocacy system. 1544

(b) An attorney or physician is not required to make a 1545  
report pursuant to division (C) (1) of this section concerning 1546  
any communication the attorney or physician receives from a 1547  
client or patient in an attorney-client or physician-patient 1548  
relationship, if, in accordance with division (A) or (B) of 1549  
section 2317.02 of the Revised Code, the attorney or physician 1550  
could not testify with respect to that communication in a civil 1551  
or criminal proceeding, except that the client or patient is 1552  
deemed to have waived any testimonial privilege under division 1553  
(A) or (B) of section 2317.02 of the Revised Code with respect 1554  
to that communication and the attorney or physician shall make a 1555  
report pursuant to division (C) (1) of this section, if both of 1556  
the following apply: 1557

(i) The client or patient, at the time of the 1558  
communication, is an individual with a developmental disability. 1559

(ii) The attorney or physician knows or suspects, as a 1560  
result of the communication or any observations made during that 1561  
communication, that the client or patient has suffered or faces 1562  
a substantial risk of suffering any wound, injury, disability, 1563  
or condition of a nature that reasonably indicates abuse or 1564  
neglect of the client or patient. 1565

(4) Any person who fails to make a report required under 1566  
division (C) of this section and who is a developmental 1567

disabilities employee, as defined in section 5123.50 of the Revised Code, shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by developmental disabilities employees established under section 5123.52 of the Revised Code.

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the individual with a developmental disability and the individual's custodian, if known;

(2) The age of the individual with a developmental disability;

(3) Any other information that would assist in the investigation of the report.

(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that an individual with a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that an individual with a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement



agency or the county board of developmental disabilities. If the 1597  
individual is a resident of a facility operated by the 1598  
department of developmental disabilities, the report shall be 1599  
made to a law enforcement agency or to the department. If the 1600  
report concerns any act or omission of an employee of a county 1601  
board of developmental disabilities, the report immediately 1602  
shall be made to the department and to the county board. 1603

(G) (1) Upon the receipt of a report concerning the 1604  
possible abuse or neglect of an individual with a developmental 1605  
disability, the law enforcement agency shall inform the county 1606  
board of developmental disabilities or, if the individual is a 1607  
resident of a facility operated by the department of 1608  
developmental disabilities, the department. 1609

(2) On receipt of a report under this section that 1610  
includes an allegation of action or inaction that may constitute 1611  
a crime under federal law or the law of this state, the 1612  
department of developmental disabilities shall notify the law 1613  
enforcement agency. 1614

(3) When a county board of developmental disabilities 1615  
receives a report under this section that includes an allegation 1616  
of action or inaction that may constitute a crime under federal 1617  
law or the law of this state, the superintendent of the board or 1618  
an individual the superintendent designates under division (H) 1619  
of this section shall notify the law enforcement agency. The 1620  
superintendent or individual shall notify the department of 1621  
developmental disabilities when it receives any report under 1622  
this section. 1623

(4) When a county board of developmental disabilities 1624  
receives a report under this section and believes that the 1625  
degree of risk to the person is such that the report is an 1626

emergency, the superintendent of the board or an employee of the 1627  
board the superintendent designates shall attempt a face-to-face 1628  
contact with the individual with a developmental disability who 1629  
allegedly is the victim within one hour of the board's receipt 1630  
of the report. 1631

(H) The superintendent of the board may designate an 1632  
individual to be responsible for notifying the law enforcement 1633  
agency and the department when the county board receives a 1634  
report under this section. 1635

(I) An adult with a developmental disability about whom a 1636  
report is made may be removed from the adult's place of 1637  
residence only by law enforcement officers who consider that the 1638  
adult's immediate removal is essential to protect the adult from 1639  
further injury or abuse or in accordance with the order of a 1640  
court made pursuant to section 5126.33 of the Revised Code. 1641

(J) A law enforcement agency shall investigate each report 1642  
of abuse or neglect it receives under this section. In addition, 1643  
the department, in cooperation with law enforcement officials, 1644  
shall investigate each report regarding a resident of a facility 1645  
operated by the department to determine the circumstances 1646  
surrounding the injury, the cause of the injury, and the person 1647  
responsible. The investigation shall be in accordance with the 1648  
memorandum of understanding prepared under section 5126.058 of 1649  
the Revised Code. The department shall determine, with the 1650  
registry office which shall be maintained by the department, 1651  
whether prior reports have been made concerning an adult with a 1652  
developmental disability or other principals in the case. If the 1653  
department finds that the report involves action or inaction 1654  
that may constitute a crime under federal law or the law of this 1655  
state, it shall submit a report of its investigation, in 1656

writing, to the law enforcement agency. If the individual with a  
developmental disability is an adult, with the consent of the  
adult, the department shall provide such protective services as  
are necessary to protect the adult. The law enforcement agency  
shall make a written report of its findings to the department.

If the individual with a developmental disability is an  
adult and is not a resident of a facility operated by the  
department, the county board of developmental disabilities shall  
review the report of abuse or neglect in accordance with  
sections 5126.30 to 5126.33 of the Revised Code and the law  
enforcement agency shall make the written report of its findings  
to the county board.

(K) Any person or any hospital, institution, school,  
health department, or agency participating in the making of  
reports pursuant to this section, any person participating as a  
witness in an administrative or judicial proceeding resulting  
from the reports, or any person or governmental entity that  
discharges responsibilities under sections 5126.31 to 5126.33 of  
the Revised Code shall be immune from any civil or criminal  
liability that might otherwise be incurred or imposed as a  
result of such actions except liability for perjury, unless the  
person or governmental entity has acted in bad faith or with  
malicious purpose.

(L) No employer or any person with the authority to do so  
shall discharge, demote, transfer, prepare a negative work  
performance evaluation, reduce pay or benefits, terminate work  
privileges, or take any other action detrimental to an employee  
or retaliate against an employee as a result of the employee's  
having made a report under this section. This division does not  
preclude an employer or person with authority from taking action

with regard to an employee who has made a report under this 1687  
section if there is another reasonable basis for the action. 1688

(M) Reports made under this section are not public records 1689  
as defined in section 149.43 of the Revised Code. Information 1690  
contained in the reports on request shall be made available to 1691  
the individual who is the subject of the report, to the 1692  
individual's legal counsel, and to agencies authorized to 1693  
receive information in the report by the department or by a 1694  
county board of developmental disabilities. 1695

(N) Notwithstanding section 4731.22 of the Revised Code, 1696  
the physician-patient privilege shall not be a ground for 1697  
excluding evidence regarding the injuries or physical neglect of 1698  
an individual with a developmental disability or the cause 1699  
thereof in any judicial proceeding resulting from a report 1700  
submitted pursuant to this section. 1701

**Sec. 5126.31.** (A) A county board of developmental 1702  
disabilities shall review reports of abuse and neglect made 1703  
under section 5123.61 of the Revised Code and reports referred 1704  
to it under section ~~5101.611~~ 5101.64 of the Revised Code to 1705  
determine whether the individual who is the subject of the 1706  
report is an adult with a developmental disability in need of 1707  
services to deal with the abuse or neglect. The county board 1708  
shall give notice of each report to the registry office of the 1709  
department of developmental disabilities established pursuant to 1710  
section 5123.61 of the Revised Code on the first working day 1711  
after receipt of the report. If the report alleges that there is 1712  
a substantial risk to the adult of immediate physical harm or 1713  
death, the county board shall initiate review within twenty-four 1714  
hours of its receipt of the report. If the county board 1715  
determines that the individual is sixty years of age or older 1716

but does not have a developmental disability, it shall refer the 1717  
case to the county department of job and family services. If the 1718  
county board determines that the individual is an adult with a 1719  
developmental disability, it shall continue its review of the 1720  
case. 1721

(B) For each review over which the county board retains 1722  
responsibility under division (A) of this section, it shall do 1723  
all of the following: 1724

(1) Give both written and oral notice of the purpose of 1725  
the review to the adult and, if any, to the adult's legal 1726  
counsel or caretaker, in simple and clear language; 1727

(2) Visit the adult, in the adult's residence if possible, 1728  
and explain the notice given under division (B)(1) of this 1729  
section; 1730

(3) Request from the registry office any prior reports 1731  
concerning the adult or other principals in the case; 1732

(4) Consult, if feasible, with the person who made the 1733  
report under section ~~5101.61~~ 5101.63 or 5123.61 of the Revised 1734  
Code and with any agencies or persons who have information about 1735  
the alleged abuse or neglect; 1736

(5) Cooperate fully with the law enforcement agency 1737  
responsible for investigating the report and for filing any 1738  
resulting criminal charges and, on request, turn over evidence 1739  
to the agency; 1740

(6) Determine whether the adult needs services, and 1741  
prepare a written report stating reasons for the determination. 1742  
No adult shall be determined to be abused, neglected, or in need 1743  
of services for the sole reason that, in lieu of medical 1744  
treatment, the adult relies on or is being furnished spiritual 1745

treatment through prayer alone in accordance with the tenets and 1746  
practices of a church or religious denomination of which the 1747  
adult is a member or adherent. 1748

(C) The county board shall arrange for the provision of 1749  
services for the prevention, correction or discontinuance of 1750  
abuse or neglect or of a condition resulting from abuse or 1751  
neglect for any adult who has been determined to need the 1752  
services and consents to receive them. These services may 1753  
include, but are not limited to, service and support 1754  
administration, fiscal management, medical, mental health, home 1755  
health care, homemaker, legal, and residential services and the 1756  
provision of temporary accommodations and necessities such as 1757  
food and clothing. The services do not include acting as a 1758  
guardian, trustee, or protector as defined in section 5123.55 of 1759  
the Revised Code. If the provision of residential services would 1760  
require expenditures by the department of developmental 1761  
disabilities, the county board shall obtain the approval of the 1762  
department prior to arranging the residential services. 1763

To arrange services, the county board shall: 1764

(1) Develop an individualized service plan identifying the 1765  
types of services required for the adult, the goals for the 1766  
services, and the persons or agencies that will provide them; 1767

(2) In accordance with rules established by the director 1768  
of developmental disabilities, obtain the consent of the adult 1769  
or the adult's guardian to the provision of any of these 1770  
services and obtain the signature of the adult or guardian on 1771  
the individualized service plan. An adult who has been found 1772  
incompetent under Chapter 2111. of the Revised Code may consent 1773  
to services. If the county board is unable to obtain consent, it 1774  
may seek, if the adult is incapacitated, a court order pursuant 1775

to section 5126.33 of the Revised Code authorizing the board to 1776  
arrange these services. 1777

(D) The county board shall ensure that the adult receives 1778  
the services arranged by the board from the provider and shall 1779  
have the services terminated if the adult withdraws consent. 1780

(E) On completion of a review, the county board shall 1781  
submit a written report to the registry office established under 1782  
section 5123.61 of the Revised Code. If the report includes a 1783  
finding that an individual with a developmental disability is a 1784  
victim of action or inaction that may constitute a crime under 1785  
federal law or the law of this state, the board shall submit the 1786  
report to the law enforcement agency responsible for 1787  
investigating the report. Reports prepared under this section 1788  
are not public records as defined in section 149.43 of the 1789  
Revised Code. 1790

**Section 2.** That existing sections 173.501, 173.521, 1791  
173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 1792  
5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 1793  
5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 1794  
5101.72, 5101.99, 5123.61, and 5126.31 and section 5101.621 of 1795  
the Revised Code are hereby repealed. 1796

**Section 3.** Sections 1 and 2 of this act shall take effect 1797  
one year after the effective date of this act. 1798