

As Introduced

**129th General Assembly
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H. B. No. 382

Representative Gentile

**Cosponsors: Representatives Antonio, Fedor, Okey, Ashford, Yuko, Clyde,
Driehaus, O'Brien**

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A B I L L

To amend section 5101.60 of the Revised Code to 1
provide that "exploitation" under the adult 2
protective services law includes action by any 3
person, rather than only by a caretaker. 4

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

Section 1. That section 5101.60 of the Revised Code be 5
amended to read as follows: 6

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 7
Revised Code: 8

(A) "Abuse" means the infliction upon an adult by self or 9
others of injury, unreasonable confinement, intimidation, or cruel 10
punishment with resulting physical harm, pain, or mental anguish. 11

(B) "Adult" means any person sixty years of age or older 12
within this state who is handicapped by the infirmities of aging 13
or who has a physical or mental impairment which prevents the 14
person from providing for the person's own care or protection, and 15
who resides in an independent living arrangement. An "independent 16
living arrangement" is a domicile of a person's own choosing, 17
including, but not limited to, a private home, apartment, trailer, 18

or rooming house. An "independent living arrangement" includes an adult care facility licensed pursuant to Chapter 3722. of the Revised Code, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

(C) "Caretaker" means the person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

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

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

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

(G) "Exploitation" means the unlawful or improper act of a ~~caretaker~~ using an adult or an adult's resources for monetary or personal benefit, profit, or gain, whether the act is committed by a caretaker or any other person.

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

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

in daily living which facilitate the provision of food, shelter, 50
clothing, and health care necessary for life support. 51

(J) "Mental illness" means a substantial disorder of thought, 52
mood, perception, orientation, or memory that grossly impairs 53
judgment, behavior, capacity to recognize reality, or ability to 54
meet the ordinary demands of life. 55

(K) "Neglect" means the failure of an adult to provide for 56
self the goods or services necessary to avoid physical harm, 57
mental anguish, or mental illness or the failure of a caretaker to 58
provide such goods or services. 59

(L) "Peace officer" means a peace officer as defined in 60
section 2935.01 of the Revised Code. 61

(M) "Physical harm" means bodily pain, injury, impairment, or 62
disease suffered by an adult. 63

(N) "Protective services" means services provided by the 64
county department of job and family services or its designated 65
agency to an adult who has been determined by evaluation to 66
require such services for the prevention, correction, or 67
discontinuance of an act of as well as conditions resulting from 68
abuse, neglect, or exploitation. Protective services may include, 69
but are not limited to, case work services, medical care, mental 70
health services, legal services, fiscal management, home health 71
care, homemaker services, housing-related services, guardianship 72
services, and placement services as well as the provision of such 73
commodities as food, clothing, and shelter. 74

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 75
and Friday, except when such day is a holiday as defined in 76
section 1.14 of the Revised Code. 77

Section 2. That existing section 5101.60 of the Revised Code 78
is hereby repealed. 79