



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 49 of the 130th G.A.](#)

Date: December 12, 2013

Status: As Reported by House Judiciary

Sponsor: Reps. Dovilla and Retherford

Local Impact Statement Procedure Required: Yes

Contents: To revise the laws governing the provision of adult protective services

State Fiscal Highlights

- The bill permits the Ohio Department of Job and Family Services (ODJFS) to establish a registry of reports of abuse, neglect, or exploitation of adults. According to ODJFS, the cost of developing and implementing the registry could be in the millions of dollars.

Local Fiscal Highlights

- The bill modifies several definitions used in the Adult Protective Services Law. According to the Ohio Job and Family Services Directors' Association and ODJFS, this could significantly increase the number of adult protective services abuse reports filed, and thus significantly increase the workload and costs of county departments of job and family services (CDJFSs).

Detailed Fiscal Analysis

Ohio Department of Job and Family Services

The bill permits the Ohio Department of Job and Family Services (ODJFS), not later than two years after the bill's effective date, to establish a registry of reports of abuse, neglect, or exploitation of adults and to release information in the registry to a county department of job and family services (CDJFS) that is investigating the need for protective services for an adult, and authorizes ODJFS to release information in the registry to law enforcement agencies through the Ohio Law Enforcement Gateway. The bill also requires ODJFS to develop a plan outlining a process for implementation of the registry, including a cost estimate to ODJFS and to CDJFSs, and to submit the plan to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Elder Abuse Commission (created by the bill) within six months after the bill's effective date. According to ODJFS, the cost of developing and implementing the registry could be in the millions of dollars.

Definitions

The bill retains the existing definition of abuse (the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish) but modifies the definitions of neglect and exploitation. Under existing law, "neglect" means the failure of an adult to provide for himself or herself the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services. The bill adds abandonment as another form of neglect but otherwise retains the definition of "neglect." A "caretaker" is the person assuming 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 court order. The bill inserts "primary" before "responsibility" in the definition of caretaker. The bill defines "abandonment" to mean desertion of an adult by a caretaker without having made provision for transfer of the adult's care.

Current law defines "exploitation" to mean the unlawful or improper act of a *caretaker* using an adult or an adult's resources for monetary or personal benefit, profit, or gain. Under the bill, "exploitation" means the unlawful or improper act of a *person that has a relationship with an adult* using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain.

According to the Ohio Job and Family Services Directors' Association (OJFSDA) and ODJFS, the modifications of these definitions could significantly increase the number of adult protective services abuse reports filed, and thus significantly increase the workload and costs of CDJFSs.

County departments of job and family services

The bill makes mandatory adult protective services trainings that are currently optional. According to ODJFS, these trainings are held in regional training centers and would continue to be provided in regional training centers under the bill. There would likely be additional costs to CDJFSs to release staff for mandatory training and travel costs to attend the trainings.

Local probate courts

The bill requires a judge or magistrate to journalize an emergency order for adult protective services issued under the bill. This provision would result in a minimal increase in administrative costs to journalize any new emergency orders.

Reporting of abuse, neglect, or exploitation of adults

The bill expands and modifies the list of persons required to report to a CDJFS that they have reasonable cause to believe that a person 60 or older who is handicapped by age-related infirmities or has certain physical or mental impairments is being or has been abused, neglected, or exploited. According to OJFSDA, increasing the list of persons required to report could result in an increase in the number of reports filed, and thus could result in an increase in CDJFS workloads and costs.

The bill requires each entity that employs or is responsible for licensing or regulating mandatory reporters of abuse, neglect, or exploitation of adults to ensure that those individuals have access to the relevant educational materials developed by ODJFS. If the licensing or regulating entity is a state or local agency, there may be a cost to provide these materials to these mandatory reporters.

Elder Abuse Commission

The bill creates the Elder Abuse Commission to formulate and recommend strategies on matters related to elder abuse and to issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The bill also requires that the Commission's biennial report include information on current funding of adult protective services and the costs to ODJFS and CDJFSs to implement the Commission's recommendations. The members of the Elder Abuse Commission are uncompensated, except for reimbursement of travel costs. In addition, there may be minimal costs to the Ohio Attorney General to assist with any administrative functions of the Commission.