

5101:2-20-01

Adult protective services definitions.

- (A) "Abuse" means the infliction upon an adult by himself or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish.
- (B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents him from providing for his own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. Except as otherwise provided in this division, "independent living arrangement" includes a community alternative home licensed pursuant to section 3724.03 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. "Independent living arrangement" does include adult care facilities licensed pursuant to Chapter 3722. of the Revised Code.
- (C) "Caretaker" means a 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 order of a court of competent jurisdiction.
- (D) "Court" means the probate court in the county where an adult resides.
- (E) "Designated Agency" means an agency which is designated through a contract/written agreement with the county department of job and family services (CDJFS) to perform the department's duties of investigating reports of suspected abuse, neglect, or exploitation; evaluating the need for, and to the extent of available funds, providing or arranging for the provision of protective services.
- (F) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to himself or any other person.
- (G) "Emergency Services" means protective services furnished to an adult in an emergency.
- (H) "Emotional Abuse" means to threaten, humiliate, intimidate, or psychologically harm an adult. Also, the violation of an adult right to make decisions and loss of privacy.
- (I) "Exploitation" means the unlawful or improper act of a caretaker using an adult or his resources for monetary or personal benefit, profit or gain.
- (J) "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.

- (K) "Incapacitated person" means a person who is impaired for any reason to the extent that he lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning his person 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, clothing, and health care necessary for life support.
- (L) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.
- (M) "Neglect" means failure of an adult to provide for himself 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.
- (N) "Nonvalidated Report (unsubstantiated)" means no evidence to verify or substantiate the allegation of abuse/self neglect/neglect/exploitation.
- (O) "Physical Abuse" means intentional use of physical force that results in bodily injury, pain or impairment.
- (P) "Physical harm" means bodily pain, injury, impairment or disease suffered by an adult.
- (Q) "Protective Services" means services provided by the CDJFS or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction or discontinuance of an act of, as well as, conditions resulting from abuse, neglect or exploitation. Protective services may include, but are not limited to case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services, as well as, the provision of such commodities as food, clothing and shelter.
- (R) "Report" means a verbal or written statement received by the CDJFS from any person who has reason to believe that an adult has suffered or is suffering abuse, neglect or exploitation.
- (S) "Sexual Abuse" means nonconsensual sexual contact of any kind with an adult.
- (T) "Validated (substantiated)" means confirming evidence that substantiates or verifies the allegation of abuse/self neglect/neglect/exploitation.
- (U) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.

Replaces: 5101:2-20-01

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5101.71
Rule Amplifies: 5101.60, 5101.71
Prior Effective Dates: 10/12/89 (Emer.), 12/30/89,
3/2/98.