

5101:2-20-01

Adult protective services definitions.

- (A) ~~"Abuse" means 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. This rule contains the definitions of terms used in Chapter 5101:2-20 of the Administrative Code.~~
- (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 the person from providing for the person's 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. An "independent living arrangement" includes a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, 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. Definitions.~~
- (1) "Abandonment" means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.
- (2) "Abuse" means 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.
- (3) "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 the person from providing for the person's own care or protection, and who resides in an independent living arrangement.
- ~~(C)~~(4) "Adult protective services" means an array of services provided to adults who are at risk of abuse, neglect or exploitation. Services include but are not limited to: intake/ referral, investigating reports of abuse, neglect, or exploitation, and protective services as defined in paragraph ~~(W)~~(B)(28) of this rule.
- (5) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.
- ~~(D)~~(6) "Caretaker" means a person assuming the primary responsibility for the care of an adult by any of the following means: 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.

- (a) On a voluntary basis;
- (b) By contract;
- (c) Through receipt of payment for care;
- (d) As a result of a family relationship;
- (e) By the order of a court of competent jurisdiction.

~~(E)~~(7) "Case management" means services performed or arranged by the county department of job and family services (CDJFS) or its designated agency to manage the life cycle of an adult protective services case.

~~(F)~~(8) "Case record" means the permanent documentation of the assessment/ investigation and the provision of protective or social services to vulnerable adults maintained as hard copy files, electronic files, or as a combination of both.

~~(G)~~(9) "Caseworker" as used in rule 5101:2-20-07 of the Administrative Code means a CDJFS or its designated agency's staff person who is responsible for the provision of adult protective services.

(10) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.

~~(H)~~(11) "Court" means the probate court in the county where an adult resides.

~~(I)~~(12) "Designated agency" means an agency which is designated through a contract/ written agreement with the CDJFS to perform the department's duties of receiving and 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.

~~(J)~~(13) "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.

~~(K)~~(14) "Emergency services" means protective services furnished to an adult in an emergency.

~~(L)~~(15) "Emotional abuse" means to threaten, humiliate, intimidate, or psychologically harm an adult. Also, the violation of an adult's right to make decisions and loss of privacy.

~~(M)~~(16) "Exploitation" means the unlawful or improper act of a ~~caretaker person~~ using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit or gain when the ~~caretaker person~~ obtained or exerted control over the adult or the adult's resources in any of the following ways:

~~(1)~~(a) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf.

~~(2)~~(b) Beyond the scope of the express or implied consent of the adult or the person authorized to give consent on the adult's behalf.

~~(3)~~(c) By deception.

~~(4)~~(d) By threat.

~~(5)~~(e) By intimidation.

A person is an individual who is known to the adult subject through a familial and/or social relationship.

~~(N)~~(17) "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.

~~(O)~~(18) "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 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, clothing, and health care necessary for life support.~~

(19) "Independent living arrangement" means a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. "Independent living arrangement" includes 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, but does not include any other institution or facility licensed by the state or a facility in which a person resides as a result of voluntary, civil, or criminal commitment.

~~(P)~~(20) "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.

~~(Q)~~(21) "Neglect" means any of the failure following: of an adult to provide for self 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.

(a) Failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness;

(b) Failure of a caretaker to provide such goods or services;

(c) Abandonment.

~~(R)~~(22) "Nonvalidated report (unsubstantiated)" means no evidence to verify or substantiate the allegation of abuse/self neglect/neglect/exploitation.

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

~~(S)~~(24) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

~~(T)~~(25) "Physical abuse" means intentional use of physical force resulting in bodily injury, pain or impairment.

~~(U)~~(26) "Physical harm" means bodily pain, injury, impairment or disease suffered by an adult.

~~(V)~~(27) "Principals of the case" are the alleged adult victim or the adult subject of the report, the caretaker of the alleged adult victim or adult subject of the report and the alleged perpetrator.

~~(W)~~(28) "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.

(29) "Reasonable decisions" means decisions made in daily living that facilitate the provision of food, shelter, clothing, and health care necessary for life support.

~~(X)~~(30) "Referral" 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.

~~(Y)~~(31) "Report" means a referral accepted to be investigated by the CDJFS as a result of a screening decision.

~~(Z)~~(32) "Screening" means the process of receiving and recording information from any person to determine whether the information provided should be accepted as a report of adult abuse, neglect or exploitation or screened out.

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

~~(AA)~~(34) "Sexual abuse" means nonconsensual sexual contact of any kind with an adult regardless of age of the perpetrator.

~~(BB)~~(35) "Supervisor" as used in rule 5101:2-20-07 of the Administrative Code means a person who is employed by the CDJFS or its designee to oversee, direct or manage one or more workers employed by the agency in an adult protective services capacity.

~~(CC)~~(36) "Validated (substantiated)" means confirming evidence that substantiates or verifies the allegation of abuse/self neglect/neglect/exploitation.

~~(DD)~~(37) "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.

Effective:

Five Year Review (FYR) Dates: 8/1/2021

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 5101.61
Rule Amplifies: 5101.60
Prior Effective Dates: 10/12/89 (Emer.), 12/20/89, 3/2/98, 3/17/03, 12/1/07,
8/1/12, 2/3/14, 8/1/16