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Human Services

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## Protecting older Ohioans

Increasing reporting, maintaining services

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# Executive Summary

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Our rural areas, towns and cities are strengthened when aging Ohioans can stay connected to their communities. One component of this is ensuring safety and justice for our older neighbors and family members. Ohio's counties are charged with protecting citizens who are in danger of being, abused, exploited, neglected or abandoned. Adult protective services keep older Ohioans safe, enabling them to thrive and continue contributing to our communities.

Ohio's population is aging, increasing the need for adult protective services. Deregulation and increasingly complex financial products make elderly Ohioans targets for exploitation. The state underfunds protective services, leaving counties without enough to address growing needs. Better funding will make our communities more vibrant and inclusive.

The state provides \$1.2 billion less in flexible funding assistance to local government today than in 2010. Ohio boosted state investment for adult protective services since 2015, but not by enough. More resources will better ensure safety.

This issue brief reviews changes in adult protective services law and funding over the past five years. The Ohio Coalition for Adult Protective Services recommended funding of \$10 million a year (\$20 million for the 2018-19 budget). Policy makers did not meet the request. We recommend about twice this much to protect the estimated 105,000 elderly Ohioans who are abused. This number is in the lower range of estimates – Attorney General Mike DeWine's Elder Justice Commission suggested it could be more like 220,000. Policy Matters recommends providing \$22.75 million a year to more fully meet Ohio's needs.

Since 2013, lawmakers have appropriated new funding for the adult protective service system, including \$10 million for system improvements in 2015 and \$2.7 million a year for services in the current budget. As a result, Ohio's county departments of job and family services were able to investigate 30 percent more reports of abuse and neglect of adult Ohioans in 2018 than in 2013. This solid increase is a victory. Ohio is beginning to build a solid protective system. Making it complete will take a significant additional investment.

Ohio could become a leader in elder justice by anticipating resources needed to respond to our new comprehensive reporting laws and appropriating sufficient funding in the upcoming budget.

Lawmakers should appropriate at a minimum \$22.75 million a year for adult protective services in the two-year 2020-21 budget. This will allow system capacity to be expanded and set the stage for deeper investment in subsequent years.

A state budget is about priorities and needs. This year, lawmakers should prioritize safety and protection for older Ohioans. Ensuring our oldest neighbors can continue to contribute and thrive is in all of our interests.



# Introduction

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Our rural areas, towns and cities are strengthened when aging Ohioans can stay connected to their communities. One component of this is ensuring safety and justice for our older neighbors and family members. Ohio's counties are charged with protecting citizens who are in danger of being, abused, exploited, neglected or abandoned. Adult protective services keep older Ohioans safe, enabling them to thrive and continue contributing to our communities.

Ohio's population is aging, increasing the need for adult protective services. Deregulation and increasingly complex financial products make elderly Ohioans targets for exploitation. The state underfunds protective services, leaving counties without enough to address growing needs. Better funding will make our communities more vibrant and inclusive.

State law makes counties responsible for protecting those 60 and over who live in the community<sup>1</sup> from physical, emotional or financial abuse, abandonment or neglect. But county budgets have been hurt by cuts in state aid. The state provides \$1.2 billion less in flexible funding assistance to local government today than in 2010.<sup>2</sup> Ohio boosted state investment for adult protective services since 2015, but not by enough. More resources will ensure safety and allow Ohioans to remain part of our families and neighborhoods as they age.

In this issue brief, Policy Matters Ohio reviews changes in adult protective services law and funding over the past five years. The Ohio Coalition for Adult Protective Services (OCAPS) recommended funding of \$10 million a year (\$20 million for the 2018-19 budget), as a bare minimum. Although this won't fully address the challenge, policy makers did not meet the request. We recommend funding about twice this high. Our analysis finds counties need \$22.75 million to protect the estimated 105,000 elderly Ohioans who are abused - a number in the lower range of estimates of endangered seniors. Policy Matters recommends providing \$22.75 million a year to more fully meet Ohio's needs, as described throughout this paper.

A stable building requires a strong foundation. It is time for Ohio to build a solid social structure so older people can live their lives to the fullest, participate in their communities, and live free from abuse.

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<sup>1</sup> Allegations of abuse or neglect of adults in institutional settings are addressed by the Long-Term Care Ombudsman, funded through the Ohio Department of Aging: <https://aging.ohio.gov/Ombudsman>.

<sup>2</sup> Patton, Wendy, "Cuts sting Ohio Localities," Policy Matters Ohio, December 2016 at <https://bit.ly/2MEX4GM>; see also "Ohio's 2018-19 budget in review, November 9, 2017 at <https://bit.ly/2C0zyRu>

# Keeping elderly Ohioans safe

In the 12 months ending in June 2018, Ohio's county departments of job and family services investigated 19,472 reports of abuse, neglect and exploitation of adults, the vast majority of whom are 60 years or older.<sup>3</sup> Increased state investment in adult protective services enabled the counties to investigate 30 percent more reports in 2018 than in 2013. These investigations allow county caseworkers to address neglect and abuse and help older community members stay safely in their homes and neighborhoods.

This solid increase is a victory. That said, the problem is far greater than the reports indicate. Elder abuse is still under-reported in part because the perpetrator may be a family member or someone else people depend on for care.<sup>4</sup> The HealthPath Foundation of Ohio estimates 105,000 elderly Ohioans experience abuse.<sup>5</sup> Attorney General Mike DeWine's Elder Justice Commission estimates one in 10:<sup>6</sup> more than 220,000 people.<sup>7</sup> Even at the lower estimate, the state fails to reach four out of five elderly Ohioans who are neglected or abused.

Ohio is beginning to build a solid protective system. Making it complete will take a significant additional investment. In 2015, lawmakers appropriated \$10 million in one-time funding for system improvements. New reporting requirements, with an expanded definition of exploitation,<sup>8</sup> became effective on September 29, 2018. The list of people required to report suspected elder abuse grew from lawyers, social workers and clergy to 35 occupational categories, including (but not limited to) financial professionals, legal advocates and medical and other professions, such as pharmacists, dialysis technicians, firefighters, first responders, building inspectors, CPAs, real estate agents, bank employees, financial planners and notary publics.<sup>9</sup> Investments made so far have not been enough to allow all counties to expand services. In a comprehensive report on Adult Protective Services in seven Ohio counties, the Center for Community Solutions found county offices warned of inadequate capacity and pointed to the need for additional staff.<sup>10</sup>

The Ohio Department of Job and Family Services recently announced it new, mostly federal grant funding of \$1.3 million over the next three years to improve technology, education,

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3 Ohio Department of Job and Family Services, "Adult Protective Services Data Fact Sheet for SFY 2017," <http://ifs.ohio.gov/ocf/APS-Data-Fact-Sheet-2017.stm>. Of the 16,579 reports in 2017, 16,241 concerned people 60 or older. This ratio is characteristic of statewide reports dating back to 2013. The adult protective services law mandates protection of adults 60 and over, although some counties provide these services regardless of age.

4 Elder abuse website at <http://www.elder-abuse.net/elderly-abuse/>

5 "Preventing elder abuse in Ohio," The HealthPath Foundation, August 2015 at <https://bit.ly/2xYFIEs>

6 The Ohio Attorney General's Office houses the state's Elder Justice Commission, part of a national effort. The figure of one in ten comes from a national study cited as foundational research by the national Elder Justice Initiative of the U.S. Department of Justice; see Acierno, R., Hernandez, M., Amstadter, A., Resnick, H., Steve, K., Muzzy, W. & Kilpatrick, D. (2010). Prevalence and correlates of emotional, physical, sexual, and financial abuse and potential neglect in the United States: The National Elder Mistreatment Study. *American Journal of Public Health*, 100(2), 292-297. doi:10.2105/AJPH.2009.163089

7 "Attorney General Mike DeWine warns of elder abuse," Office of Attorney General Mike DeWine, June 14, 2017 at <https://bit.ly/2zSgAuZ>. The Keenan Institute (<https://unc.live/2O9IN9u>) estimates that nationally, 88 percent of people older than 65 live in their own homes. We used American Community Survey to find Ohioans over 65 living in their own homes (2011-15) - 2.5 million - and calculated that 88 percent is 2.2 million. One in ten of this population is 220,000. This is used as a proxy for the upper bound.

8 The prior definition of exploitation in the law (ORC 5101.60(G)) was: "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 when the caretaker obtained or exerted control over the adult or the adult's resources in any of the following ways: (1) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf; (2) 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) By deception; (4) By threat; (5) By intimidation. Current law (ORC 5101.60(J)), effective September 29, 2018, defines exploitation as "the unlawful or improper act of a person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit, or gain when the person obtained or exerted control over the adult or the adult's resources in any of the following ways... (These are the same as in prior law).

9 "State expands list of people required to report elder abuse, Associated Press, September 28, 2018 at <https://bit.ly/2DXAwkc>

10 Lusheck, Brie, Muttillio, Emily and Turner Jr., William, Adult protective services case study in seven counties, June 18, 2018 at <https://bit.ly/2y0qaKV>

public awareness and community collaboration in the Adult Protective Service system.<sup>11</sup> This is good news, but deeper investment on an ongoing basis is needed to halt abuse and ensure protection. Human services like Adult Protective Services are labor intensive. Technology helps, but the service is delivered by staff. Ohio's system needs sufficient funding for appropriate staffing on an ongoing basis. We recommend funding of \$22.75 million a year to more fully meet the need in Ohio.

## Funding adult protective services in Ohio

The Ohio Revised Code defines responsibilities, services, and training requirements for adult protective services as follows:<sup>12</sup> “Protective services’ means services provided by the county department of job and family services 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.”<sup>13</sup>

Investigating a report is the heart of the service. County departments of job and family services are responsible for investigating all reports, evaluating the need for services, and providing or arranging services as funding allows. In the case of an emergency, investigations must be initiated within 24 hours of receiving a report; in a non-emergency case, investigations are to be initiated within three working days. The investigation must include an in-person visit, preferably to the residence of the possible victim; consultation with the person who reported the issue, and consultation with agencies or people who have relevant information. Based on the investigation, the county must write a related report and determine whether the subject needs protective services.<sup>14</sup>

Counties uncover and fix cases, primarily using state and federal dollars, sometimes also adding local levy dollars. In fiscal year 2018, \$2.5 million in state funds were used to provide adult protective services. Data on use of other sources in 2018 is not yet available from the Ohio Department of Job and Family Services, but in 2017 counties allocated \$1.1 million from flexible federal and state sources for services defined in the statute and related services not in the statute, like adult day care.<sup>15</sup>

### LOCAL FUNDING

About half of Ohio's counties have a senior service levy which may or may not support adult protective services. For example, Ottawa County has a senior services levy, but it is used to operate the senior centers and provide meals and social support – services elderly people need, but outside of the scope of APS investigation.<sup>16</sup> In 2014, the Adult Protective Services Funding Workgroup acknowledged the total from senior levies spent on adult protective services is unknown. They found some levies specifically support the investigative

<sup>11</sup> Ohio Department of Job and Family Services Media Release of October 24, 2018.

<sup>12</sup> Ohio Revised Code 5101:2-20 at <http://codes.ohio.gov/oac/5101%3A2-20>

<sup>13</sup> Ohio Revised Code 5101.60 (S) [Effective 9/29/2018] Adult protective services definitions. <http://codes.ohio.gov/orc/5101.60v2>

<sup>14</sup> Ohio Revised Code 5101.62 [Renumbered Effective 9/29/2018] Investigations at <http://codes.ohio.gov/oac/5101%3A2-20>

<sup>15</sup> Interview with Beth Kowalczyk, Chief Operating Officer of the Area Agencies on Aging, October 8, 2018.

<sup>16</sup> Lusheck et.al., Op.Cit.

component, while others support senior services broadly and might include protection, but do not have to (as match, for example, for state or federal funds).<sup>17</sup>

## FEDERAL FUNDING

Federal funding for adult protective services is fragmented. The Older American Act funds may be used but only about 2 percent goes to Adult Protective Services nationally. The Elder Justice Act, part of the Affordable Care Act, receives less funding than initially hoped for. A new focus on financial exploitation has led to federal law and order initiatives, data collection and tracking.<sup>18</sup> Yet there is not a single dedicated source for direct services.

The Social Services Block Grant (SSBG), which provides flexible funding for a broad range of human services, is the primary source of federal funding for adult protective services.<sup>19</sup>

These dollars may be used for both child and adult protective services, among other health and human services. Child welfare services made up the largest expenditure category in this source nationally in 2014 (the most recent year available).<sup>20</sup> In 2017 (most recent available) Ohio counties reported use of \$906,421 a year in SSBG funds for adult protective services.<sup>21</sup> In contrast, counties reported using \$44.2 million for child protective services.

Since these funds are flexible, uses are not uniform. Some counties use them for wrap-around services.<sup>22</sup> The 2015 annual report for the SSBG grant program (most recent available) indicates that in the “Vulnerable and elderly adults” category, significant funds are spent for meals, day care and foster services for adults.<sup>23</sup>

The state does not tell counties how to use their SSBG funds: Decisions are made locally, according to local funding structure (levies) and local needs. Caseworkers struggle to meet the demands of the growing drug epidemic.<sup>24</sup> As their parents struggle with addiction, more children need protective services, yet Ohio provides the lowest state funding for child protective services of any state in the nation.<sup>25</sup> The drug crisis is also putting more elderly Ohioans at risk of being taken advantage of by family members in the throes of addiction.

## STATE FUNDING

Adult protective services are underfunded nationwide. A 2012 assessment identified fragmented funding; increasing demand for services and inadequate resources in most states.<sup>26</sup> The ongoing problems were summed up in a [PowerPoint](#) by the Allegheny (PA)

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17 Adult Protective Services Funding Workgroup, “Report To The Department Of Job And Family Services,” September 25, 2014 (updated December 5, 2014) at <https://bit.ly/2QuZLLT>

18 Blancato, Bob, “Curbing Elder Abuse, What’s been helping, what’s needed,” Forbes, June 12, 2018 at <https://bit.ly/2J4XXH1>

19 Sedigh, Heidi, Analysis: Federal Funding to fight elder abuse falls short, January 11, 2016 at <https://bit.ly/2yMlu9N>

20 United States Department of Health and Human Services, SSBG annual report for 2015 at <https://bit.ly/2CUc16a>

21 Ohio Department of Job and Family Services (ODJFS), Preliminary post-expenditure report for federal fiscal year (FFY) 2017, provided by the ODJFS communications office in an e-mail of July 24, 2018. This figure includes \$210,635 from “Temporary Assistance for Needy Families” (TANF) funds transferred into the more flexible SSBG category of funding

22 Interview with Beth Kowalczyk of the Area Agencies on Aging, October 1, 2018.

23 Administration for Families and Children, U.S. Department of Health and Human Services, “Social Services Block Grant for 2015: Annual Report” at [https://www.acf.hhs.gov/sites/default/files/ocs/rpt\\_ssbg\\_annual\\_report\\_fy2015.pdf](https://www.acf.hhs.gov/sites/default/files/ocs/rpt_ssbg_annual_report_fy2015.pdf)

24 Candisky, Catherine, “Fentanyl drives Ohio’s Overdose deaths to records, The Columbus Dispatch, September 23, 2018 at <https://bit.ly/2OKbvc2>. According to Candisky: “Fatal drug overdoses kept rising in Ohio last year to a record 4,854, a 20 percent increase over 2016’s toll. It was the eighth year in a row that drug deaths increased, according to data on unintentional drug deaths reported to the Ohio Department of Health. County coroners logged 804 more fatal overdoses in 2017 than the 4,050 reported the previous year.”

25 “Even if Ohio doubled state spending on child protection, it would remain 50th in the nation.” Public Children’s Services Association of Ohio, PCSAO Fact Book: 13th Edition, 2017 at <http://www.pcsao.org/pdf/factbook/2017/PCSAOFactbook.pdf>

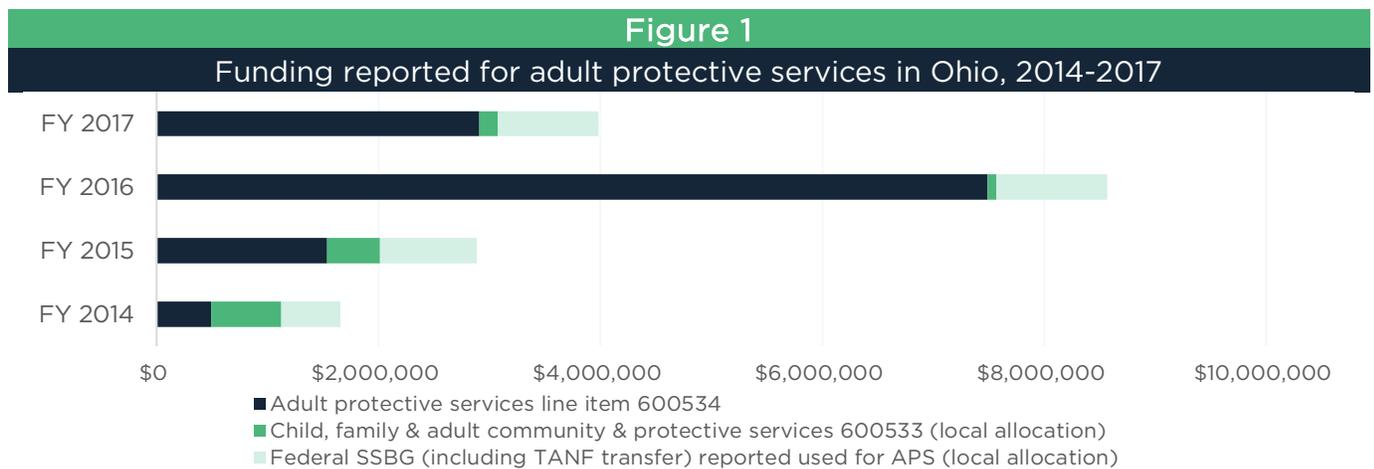
26 “Adult protective services in 2012: Increasingly vulnerable,” National Association of States United for Aging and Disabilities, <https://bit.ly/2AimRQK>

County Area Agency on Aging that highlights the interconnected problems of insufficient funding, lack of staffing, pressing emergencies and growing needs.<sup>27</sup>

The Ohio Department Job and Family Services line 600534 in the General Revenue Fund makes up the backbone of adult protective services funding; currently \$2.74 million a year. Of that, \$2.5 million was actually spent in 2018, the first year of the two-year state budget.<sup>28</sup> These funds are distributed to the counties for the services defined in statute. Counties also reported using \$166,221 in 2017 from a second General Revenue Fund line (600533) for adult protective services.<sup>29</sup> Competition for these flexible state funds is stiff: just 1 percent were used for adult protective services in 2017.<sup>30</sup>

## PUTTING THE PICTURE TOGETHER

Figure 1 shows funding used for adult protective services between 2014 and 2017 (complete data for 2018 not yet available).<sup>31</sup> The blue bar represents core state funding. The green illustrates county-reported use of other federal and state funding for adult protective and related services. Appropriations for the primary state line item (600534) increased sharply in fiscal year 2016,<sup>32</sup> following an appropriation of \$10 million for the system in the spring of 2015. The legislation created an Adult Protective Services Funding Workgroup to plan for the best use of these funds. The work group recommended uniformity, training, and reporting across the 88 diverse county systems, laying the groundwork for increased reporting. It called for the state to implement a statewide data and reporting system, create a statewide adult protective service hotline; provide training; allocate one-time planning funds for counties to meet core requirements and provide a one-time innovation fund to encourage multidisciplinary collaboration.<sup>33</sup>



Source: Policy Matters, based on data from the Ohio Department of Job and Family Services for ALI 600533, Title XX- SSBG and TANF transfer. ALI 600534 taken from Ohio LSC Budget in Detail. Green sections represent the share of flexible social service funds counties report having allocated for services related to APS. Detailed data on 2018 spending not yet available.

<sup>27</sup> Burgay, Alex and Jackson, Frank, "Older Adult Protective Services: Moving Forward." At [Problems Facing Adult Protective Services - Pitt social work](#)

<sup>28</sup> This line item is "Adult Protective Services," agency line item 600534.

<sup>29</sup> This line item is "Child, Family and Adult Community and Protective Services," agency line item 600533)

<sup>30</sup> Information about reported use of ODJFS line item 600533 for adult protective services between 2014 and 2017 was provided by the ODJFS communications office in an e-mail of August 10, 2018.

<sup>31</sup> The chart shows funding streams, but because of variation in use and definition by county, it does not tell us much about service delivery across the state.

<sup>32</sup> Ohio's budget year, or "fiscal year," runs from July 1 to June 30.

<sup>33</sup> Adult Protective Services Funding Workgroup, Op.Cit.

State funding in the 600534 line item increased from \$493,744 in 2014 to \$2,704,000 in 2018 - and reporting increased by about a third. Yet the almost 20,000 cases in 2018 are just a fraction of the cases in Ohio estimated by HealthPath Foundation (1/5<sup>th</sup>) or by Attorney General Mike DeWine (1/11<sup>th</sup>).

## MORE CAPACITY IS NEEDED

Funds in the primary agency line item (600534) provide each of Ohio's 88 counties with about \$31,000 a year for investigation and remedy of abuse reports. This should be increased. County-allocated funds are stretched between many needs. Federal funding is in danger of being cut by Congress. To assure development of infrastructure needed to meet the statutory requirement, the state should deepen investment in the Adult Protective Services line item.

The Ohio Coalition for Adult Protective Services (OCAPS) recommended a 2018-9 annual appropriation of \$10 million. Each county was to get \$65,000 for one full-time case worker. Additional funding would be by formula for emergency services, outreach, education and coordination. Lawmakers did not make this investment in the current budget. They need to meet this request in the budget for 2020-2021 and build on it in subsequent budgets.

The OCAPS proposal is modest. More populous counties should receive more funding in proportion to their population. Figure 2 illustrates funding needed meet the lowest estimate of elder abuse in Ohio (105,000): \$22.75 million a year over and above the annual appropriation in 600534 for the current budget and more than double the amount requested by OCAPS. This is based on number of caseworkers needed to address 105,000 reports of elder abuse over a year, given national caseload standards.<sup>34</sup>

To calculate these costs, we identified a statewide average caseworker compensation of \$40,720. We adjusted this for inflation<sup>35</sup> and weighted it with benefits (30.7 percent)<sup>36</sup> and overhead (12 percent),<sup>37</sup> to find a cost of \$65,000 per caseworker (similar to OCAPS' estimate).

We then considered caseload, where the national standard<sup>38</sup> is 25 cases per month.<sup>39</sup> We estimated the number of caseworkers that would be needed to address 105,000 reports of elder abuse over the course of one year by spreading activity out evenly across the 12 months. We find that at least 350 caseworkers are needed statewide. At the average caseworker salary, this amounts to a funding need of approximately \$22.75 million a year.

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<sup>34</sup> "Otto, Joanne M., "Adult Protective Services Caseload Management," National Adult Protection Services Association at <http://www.napsa-now.org/wp-content/uploads/2014/11/TA-Brief-Caseload-Management-FINAL.pdf> "Based on information from 11 states, the District of Columbia and two counties, NAPSA recommended that caseloads that focused only on investigations be limited to 15.7 cases per month, ongoing caseloads be limited to 26.5 cases per month and mixed case-loads of both investigation and ongoing cases be limited to 24.6 cases per month. Absent any subsequent national APS caseload studies, 25 APS cases per month has become the de facto standard."

<sup>35</sup> The 2017 statewide median salary for 'Child, Family and School Social Worker' (Occupational code 21-1021) was \$40,720, adjusted for inflation as projected by the CBO in the August, 2018 economic projection for the national economy (consumer price index for all urban consumers) at <https://www.cbo.gov/publication/54318>

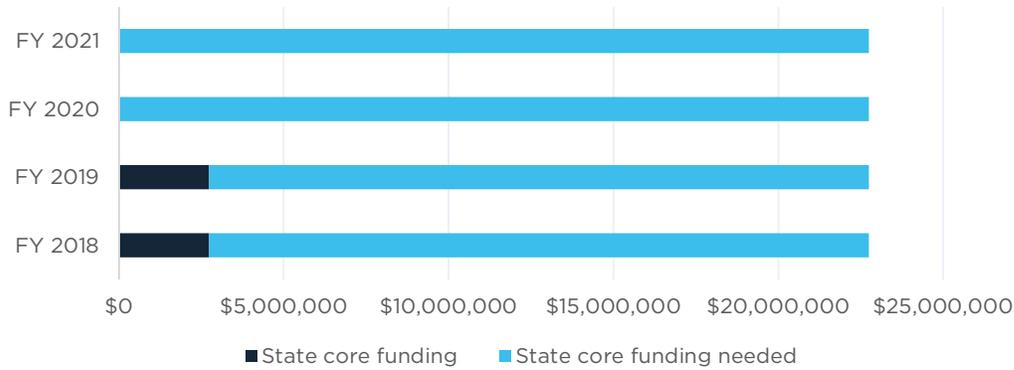
<sup>36</sup> This calculation for benefits is based on 30.7 percent of wages, the industry-wide share for the health and social assistance sector in the Bureau of Labor Statistics News Release: Employer costs for employee compensation June 2018, Table 2: Employer costs per hour worked for employee compensation and costs as a percent of total compensation: civilian workers, by occupational and industry group, June 2018 at <https://www.bls.gov/news.release/pdf/ecec.pdf>

<sup>37</sup> According to a report prepared for the U.S. Department of Health and Human Services: "in the absence of published rates for most offices or programs, Circular A-76 (OMB 2003b) provides a source of a government-wide estimate. Circular A-76 ... directs Federal agencies to use an overhead factor of 12 percent." See Jessup, Amber, "Valuing Time in U.S. Department of Health and Human Services Regulatory Impact Analyses: Conceptual Framework and Best Practices," June, 2017 at <https://aspe.hhs.gov/system/files/pdf/257746/VOT.pdf>

<sup>38</sup> Otto, Op.Cit.

<sup>39</sup> In 2014, Ohio's Adult Protective Services Funding Workgroup reported that despite having the same basic APS functions prescribed in law, the quality and scope of APS programs vary significantly by county. For example, the final report pointed out, staffing levels vary greatly and there is no shared understanding what constitutes an appropriate caseload.

**Figure 2**  
**Funding needed for adult protective services in Ohio**



*Source :Policy Matters Ohio. Existing state funding in 2018 and 19 for ALI 600534 is from Ohio LSC Budget in Detail*

## Summary and conclusion

Inadequate state funding for Ohio counties across many services has left gaping holes in providers’ ability to ensure safety and justice for elderly Ohioans. Ohio must build a strong infrastructure to ensure Ohio’s seniors live in safety. Doing so pays big dividends for our communities.

Ohio is not alone with this problem. Adult protective services are underfunded on both the federal and state levels. Ohio could become a leader in elder justice by anticipating resources needed to respond to our new comprehensive reporting laws and appropriating sufficient funding in the upcoming budget.

Lawmakers should appropriate at a minimum \$22.75 million for adult protective services in the two-year 2020-21 budget. This will allow system capacity to be expanded and set the stage for deeper investment in subsequent years. Even these figures may be low, if Attorney General Mike DeWine’s estimate of elder abuse, at one in 10, is closer to reality.

A state budget is about priorities and needs. This year, lawmakers should prioritize safety and protection for older Ohioans. Ensuring our oldest neighbors can continue to contribute and thrive is in all of our interests.

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