

June 4, 2020

Proponent Testimony House Bill 461 Esther's Law

Steve Piskor

Legislation named after his mother Esther Piskor who was brutally abused in nursing homes.

List of what I will be speaking about.

1. I have been an advocate since I was 16 years old.
2. My advocacy started with my heritage and discrimination and racism that has never stopped.
3. I was a Union Representative, Vice President of Local 744 OAPSE -AFSCME
4. Advocated for the CDL license law at the Ohio State House in the 1980s
5. Safety committee for the Cuyahoga County Developmental Disabilities.
6. Served on Cleveland planning committee with Mayor and Tim Hagen with OAPSE
7. Advocated for School Bus safety to limit number of wheelchairs on buses.
8. Esther Piskor diagnosed with dementia in 2003 at home for 3 years under passport, she got cancer at the same time. Aides came to the house.
9. First nursing home 2005 and the neglect starts, she would be placed in a closed room by herself. They put her in a wheelchair and she never got out again. Nursing home stopped lock down unit and said it would be better if we moved her to another nursing home.
10. Second nursing home 2006, on the second day of this nursing home I walked in to find her in a wheelchair tilted back with a blanket covering her from the neck to the legs. She was not responsive, I tried to wake her and could not. I called for the nurse and doctor. The nurse told me her body was shutting down and she no longer needed water or food, they would not stop feeding her if she was able to eat and she had maybe a few months to live. I got her out of that nursing home in a few days. She died 12 years later.
11. The third nursing home she was in for almost three years and we went through many problems with neglect and aide not doing their job. Left sitting in urine and feces, not eating or water, hydration and UTI infections. Her roommate was a problem. Every time we had a problem the one nurse always gave us a problem in trying to correct it. She told another nurse that we were a bunch of drunk Mexicans. First we are not Mexican or Hispanic, and non of use drink, maybe a social drink but that is even limited, but this is the kind of racism I went through my whole life and my mother her whole life. I came in and they had the TV on to the Spanish channel. Now my mother is has dementia and already confused, and they have on a channel where they are not speaking in English. My great grandfather came America in 1887 from Hungary – Slovakia, my grandmother my mothers mother was born in Cleveland, Ohio in 1896, but I have to tell people this, I have never asked anyone what their heritage is. One day I walked in and she was in bed, I tried to wake her and could not. I called her doctor personally and told him to get here in 20 minutes or I would call the police, ambulance and the media. He showed up in 30 minutes and gave her a shot to wake her up. I then took all her medications away until I could see just what they were giving her.
12. She was in a wheelchair and it did not have footrest, but she was able to move her chair with her feet. I told them she needs a seat belt on her wheelchair, and we put one on. They changed the law and took all restraints away, so they said she can not have a seat belt anymore. I called the doctor and asked him what can we do. He said he would write an order for her to have a seat belt on at all times while she is in a wheelchair. One day I get a call late evening from the nursing home telling me she fell out of her chair and did hurt herself, they called an ambulance to take her to the hospital.

When I got to the hospital she was bleeding from somewhere around her face or head. They could not tell because there was a lot of blood. They started to clean and try and find the wounds and found the she shattered her nose. They said she fell flat on her face, and had to have surgery and reconstructive surgery to her nose. She was in intensive care for 7 days and in the hospital for two weeks. The nursing home said the aide put her in the wheelchair and got distracted and did not put her seat belt on. The social worker from the hospital recommend that we do not put her back in the same nursing home.

13. Hospital Social worker gets her in the fourth nursing home. This nursing home is a five star nursing home, and in the top 60 of the best nursing homes in Ohio, and it is still in the top 60 today. They had a Union, County employed, with all benefits and good pay. They were not understaffed, or overworked. I got my mother in this nursing home at 4 am, I put her in bed and I had to worry because what are they going to do in the morning, how are they going to know how to take care of her, or know her condition. She had a ring on her finger that I purchased for her a few years earlier. It was not expensive around \$100. I went back to the nursing home around 8 am to make sure they have her care plan, and the ring was already gone, in just a few hours, a new resident and it was gone. I asked about it and of coarse no one knew anything. So it took just a few hours for the first incident.

14. This nursing home allowed resident to have a mini refrigerator and a microwave. The microwave came in handy because she lost her ability to speak, and would make a noise like a grunt or a yell. This caused her to have problems swallowing and she was put on pureed food and thickened fluids, and it took her a long time to eat, so we were able to warm her food up, and keep cold drinks in the refrigerator with other snacks. She was capable to answer a short question with a yes or no, and sometimes her mind would drift away. We found that when she was relaxed or just waking up, she was able to say a few words I filed my first Department of Health nursing home complaint within the first six months because they were neglecting her. Leaving her sit or in bed in urine and feces. It was hard getting any help, so I had to keep up on them to do the right thing and treat her right.

15. As more time went by, more was happening that was not right, and things started to get worse. In the winter time it was 25 degrees outside. When I went into the room I started to get things ready for her and noticed the room was cold. I looked at the window and it was opened. I shut the window and told the nurse to make sure they don't open the window back up. They continued to do this many times and on top of that the were shutting the heat off. I would come in and find her in her chair with the seat belt off. I kept telling them that she fell out of her chair before, so I brought in the pictures of my mother when she fell and shattered her nose, one aide said, I don't have to listen to you, and refused to look at the pictures. I had her taken out of my mothers care. She was not allowed in her room or to do anything with her.

16. Every time I went in to see my mother I asked her if she was OK, and she would say yes, but then after all this with the aides started to happen, I would ask her if she was OK and she would say no, but could not tell me what is wrong. I started to notice her being withdrawn and non attentive, sometimes when I got close to her she would flinch or back away. I started to notice bruises on her arms, legs, and face. I went to the administrator and told her, and she said I was trying to make something out of nothing. I purchased a camera, this was an old school camera the kind you connected to your phone line and the person on the other end of the phone would also need a camera phone. The video was transmitted through phone lines, not that great of a picture and you could not record from it. So I asked the administrator if I can put this in, I told her it did not record and when I call my mothers room phone it would automatically answer and turn on the camera. I would be able to check on her whenever I wanted. The aides complained about that camera, and they said their rights to privacy were being violated.

I told them they do not have privacy rights in the work place and this is my mothers home, you do not have privacy rights here. We argued back and forth and the administrator told them to cover the camera when they were in the room. They would cover the camera and not uncover it, and my mother was still showing all the signs of abuse. So I purchased a hidden camera that was in a working humidifier. I told them she needed the humidifier and they didn't care about it, I filled it with water everyday. I took me several days to figure out how to use the camera and set it. I had to sneak in a small 10" monitor so I could see the camera to set it up, and everyday I went in, I just switched out the SD card and took it home to download it on my computer. I chose a camera with no sound to avoid anyone contesting it on eavesdropping laws, but Ohio has a one party consent so I could have had the sound, but I still did not want it. Most hidden cameras were made without sound. All security are in real time and time and date stamped and you can not alter that. I placed a sign in my mothers room that they were being recorded on camera and it will be given to the police, and they thought that sign was just me lying about a camera.

17. In the first two days I caught something of abuse, but with the administrator already fighting me and the aides, I wanted to see more. I was very time consuming to try and watch the videos, you can play them back at a faster speed from 2 times to 8 times fast, but anything more than 2 times could cause you to miss something, so I was two weeks behind in watching the videos, and I was already seeing things like improper transfers from bed to wheelchair and back. They must use a hooyer lift for all transfers, and it is a two person operation. Other things were bad to poor to no care, aids in the room hiding or taking a break while one worked. Improper feeding, not giving her any water. One aids would slap her had away, another took her gown and threw it over her head covering her face, she thought that was funny. One aide that did most of the abuse, when I first saw her, she picked my mother up by the arms out of the chair and hip throw her onto the bed. I new this was all wrong, but I didn't know what would happen, if this was abuse or would they call it bad care, and the one who would suffer would be my mother, so as I watched the videos I saw the same aide again hip throw her onto the bed, and later she came back in the room to get her out of the bed. She pulled her up by the back of her hair and started screaming in her face, then grabbed her and dropped her into the chair and jab her in the face. I stopped watching anymore and could not let this go on for one more minute. I went to the Cleveland police, I did not know how to get the videos off my computer on to a flash drive back then, so I just used my camera phone and took some of the video. When I got to the police station, they would not even look at the videos, they said that is not abuse without looking at the videos. The cop said you have to go to the nursing home. So I called my bother up and told him to meet me at the nursing home, I did not want to go alone I wanted another set of eyes and ears.

18. I showed the video to the administrator and she called the director of nursing, and they both looked at the videos. The administrator did get up and went to get the aide and the union representative and walked her out of the nursing home. By law this was what she was supposed to do. When she came back she called their police and said they are not going to call that abuse. The hospital and nursing home had their own police force so the captain came and looked at the video and said, that is abuse and he would investigate and call Cleveland police. After two days I called the Police captain back up and they would not put him on the phone only saying he was investigating. Now after the Cleveland Police won't do anything and now the Hospital police won't do anything, the administrator is saying that is not abuse. So I called the media and asked them if they would watch this video and tell me what they think about it. I dropped it off at the TV station and about an hour later I got a call from Tom Meyer chief investigator for wkyc nbc TV in Cleveland. He was fuming, I asked him if he saw what I saw, he told me he was going to expose this nursing home and who ever else was involved. I called the Cleveland police back up and this time I talked to a Detective, he told me to come right now and he wants to see the video, I did not tell him I called the media. When I got back to the police station the cop at the desk started to refuse it again.

19. By then, I didn't care if they put me in jail, I told the cop at the desk if she did not take this video back to the detective and look at it, there was a phone at the wall in back of me, I told her I would get on that phone and call the media and they will be here in 15 minutes with cameras asking you why you are not looking at a possible crime. She took the video and went in the back, she came back out in 15 minutes apologizing, she said when she saw it she called all the police that were at the station including the Commander to watch it and they were all coming out one by one to apologize. The Commander told me he did not want to send this video downtown because he was afraid it would get lost in the shuffle and put on a back burner. He said his detectives are going to handle the investigation to make sure this is done right. The Detective came out and took the video and my number and gave me his card. He called me back in the next day for a statement, and told me that once this goes in the computer and to the prosecutor the media is going to pick it up and call me, and as he was telling me this the phone was ringing and it was Tom Meyer checking to see if they are going to arrest this woman. The Detective asked Tom Meyer not to run the story until they got a warrant from the prosecutor and arrested her. This was on a Friday, and the TV station said they were going to run the story on Monday. The Detective called me the next day and said they arrested her. The TV station started to run a promo of the story which they said the full story would be Monday. Between the Detective and the TV investigator, the media different stories were coming out just about every two days.

20. By the end of the week the Cuyahoga County prosecutor, the Cuyahoga County executive, the mayor of Cleveland, all made public statements on the abuse. The Ohio Attorney General then Mike DeWine made a public statement and said he was sending in his investigators. By the several stories were airing being picked up by other TV stations around the country. The media started to call me from everywhere, the New York Post reporter called and started laughing and apologized saying, did you really have a sign in the room telling them you put a camera in the room, I said yes, and I have a picture of the sign. Other media started to call like CBS evening news, Maury Povich, NBC nightly news, Al Jazeera TV, and it didn't stop, they still call till this day.

21. The Ohio Attorney General investigator called me and came to my house to get the rest of the videos off my computer, there were about a thousand of them, only because the camera even though I set it of motion detection, it would go off with a flash of light from the TV. The amount of videos of the abuse was still much more than they showed on TV. Eight aides were involved in the abuse and another aide that was working as an aide and had a felony record.

22. After the arrest of the first Aide who did most of the abuse, the Ohio Attorney General called me to tell me they did a secret indictment of another aide and Maria Carbon was arrested. The media were calling me about the other arrest. The second aide was spraying something in her face. It was later determined to be a type of perfume that says on the bottle, do not spray the face and eyes it will cause an irritation. For about a year prior to this my mother had an irritation in her eyes, they said it might be pink eye and they gave her eye drops twice a day for the rest of her life.

23. At the first trial of the aide that did most of the abuse, she plea bargained from 13 counts of felony abuse to 7. At sentencing both prosecutors told me that they would let me speak for five minutes and then they would get me out of there. The judge called me up to speak and kept me up there for 45 minutes asking questions. She stopped for a couple of minutes and cussed out the Ohio Attorney General and the Cuyahoga County prosecutor and told them there is wide spread abuse here, what are you doing about this, this Judge was mad and she said, that could be me one day. The judge asked me if I had any pictures of the bruises on my mother and I did.

I gave her a picture of bruises on the face, and the judge said she believes these bruises were from the abuse. The Cuyahoga County Prosecutor was Frankie Goldberg, today Judge Frankie Goldberg. Her and the Ohio Attorney General investigates called me to come to the prosecutors office. When I got there both of there staffs were also present. They began to tell me that Virgin Caraballo might not get any prison time, and the judge could give her probation. I told them you mean 13 counts of a Felony 4 of gross abuse of an elderly person dependent on the caregivers, is probation. They said were just giving you an idea of what could happen. You see these prosecutors see such horrific crime of murders, rapes, children of crimes, mass murders, that when they see this elderly person that was thrown around in and out of med and punched in the face and screaming at them, hitting their hands, not feeding them, not giving them water, this to them does not look like the crime they are used to seeing, and this is a major problem is prosecuting these caregivers. Many people see these elderly in such poor condition of near death, they say, well their old, that's what happens when you get old. No that is not what happens when you get old. In the court room there was four or five media cameras and a couple reporters. The Department of Health, the Health Care Association, the regional Director of Ombudsman, the nursing home executives, and the room was full. After the judge sentenced her to 10 ½ years in prison and fined her a few thousand dollars, the media converged on me, the Cuyahoga county prosecutor and the Ohio Attorney were in shock at the sentence, and it felt like my head was spinning around, on top of this, two young women that did not know each other came up to me crying saying this is happening with their mothers. I took them over to the Ohio Attorney General and told them to please help these girls, and the media took me and away and told me where to stand as they did the interviews. What I regret that day was that I did not get the two girls information to call them back.

24. At the second trial the aide pleaded guilty to a lesser charge, both aids are forbidden to work in any form of this position again.. At the sentencing, the prosecutor told me that she was not going to jail and getting probation, I told him that I did not agree to that, what we agreed to was leave it up to the judge to follow the law. The prosecutor asked me if I wanted to do all the speaking and he would not say anything. My question to him was what about expungement, and the first question from the judge was, what are we going to do about expungment if we are taking away her right not to work in this capacity ever again. They came the conclusion that the Department of Health records on aides forbidden to work as caregivers would not be expunged. The media was in court for this sentencing also. When I got up to speak the aide was crying and she did not give any testimony. I told the judge that she was only 22 years old, when she leaves this court room she could have her record expunged, go back to school and become a judge, so what is she going to learn from this. The Judge sentenced her to six months in jail, and another prosecutor was in shock.

25. While all this was going on, the nursing home was giving me hell. The nursing home wanted me to move her to another nursing home, and I told them, we got rid of all the bad aides, but they filed a common nursing home complaint that lets them evict a resident. It said they can no longer give the care she needed, and she was a potential harm to other residents. So I went looking for a nursing home. All of these stories were still in the news and everywhere I went, they all knew who I was. Most came up with some excuse or said they would put her on the waiting list. We got her into a nursing home in Parma Heights Ohio. When I went in to meet with the admissions person, she said, if you don't mind, there are several other people that want to be in this meeting. I said no problem. We went into the dinning room and they pulled several tables together and about 15 of them came in and sat around the table. Other aides were walking in and out. The administrator told me they just want to see you.

I told them all that I will never trust any of you, and I will not stand by and let anything happen to her again. Then I told them, "I'm going to tell you how to handle me when I'm going off" just don't come to me and say this is not happening or did not happen when you were not there to see if it did happen. Tell me not to worry, you will take care of it, they will do their best to take care of your mother. Many problems between family and nursing homes is that nursing homes will automatically go into a mode of denial, no matter what happened, even with the videos I had, the administrator said this is not abuse. Someone has to start taking responsibility for our loved ones, we did not put them in here to be abused and neglected.

26. This nursing home started out OK, I did have problems, but they knew me and did what I told them to do. One of the biggest problems in nursing homes is to walk in and see a new aide and or nurse working with your mother. I shake my head and say, not I have to go through this all over to make sure the aide and nurse know my mother's needs are met.

27. The Ohio Attorney General and the Cuyahoga County Prosecutor called me at the new nursing home a few weeks later and said they wanted to come to the new nursing home to meet my mother, all this time they never actually met her. When they got there they asked me if I had any concerns. I told them that I worry if any of the aides that worked in the abusing nursing home are working here or do they have a friend or family that works here. The nursing home was not allowed to knowingly put any aides like this to work in the new nursing home. Mike DeWine just started his program of putting hidden cameras in nursing homes and he cites his reasoning for doing so is from the success he had in prosecuting the aides in my mother's case from the use of a hidden camera that I did.

28. In the five years she was in this nursing home my mother went through more horrific abuse and the neglect was like nothing I ever seen before. The Ohio Attorney General put a Hidden camera in this nursing home to see if my mother was OK. I was in there for one month, and a couple of months after they took it out, they said they did not see any direct abuse, but before they placed the camera in, they said they are not going to report of anything else but abuse. A couple of weeks later, the assistant Director of Nursing slipped up and told me that they knew the camera was in my mother's room. So now the camera served no purpose, so I went and purchased a hidden camera that was in a DVD player. I brought in some of her favorite movies and music and told the aides to put it on once in a while. They did not know it had a hidden camera in it.

29. I left the camera in for two weeks and went to view the video and was in total shock again. While there was no direct abuse as in the last nursing home, the neglect was horrific enough for people to go to prison. I have some of the videos on YouTube. Aides were gathering in her room having conversation for well over an hour, there were at least five aides and this is during breakfast time, which means some people didn't eat that day and who knows how many more days there were. Another aide feeding her for over an hour give her the first bite than was on the phone the rest of the time. Another aide used a hooyer lift to pick her up out of bed. She kept her in up in the air, with no one else there and proceeded to talk on the phone, then go into her pocket and pull out what looked like a credit card entering the number, it was clear she was on the phone shopping and purchased something while my mother was up in the air on a hooyer lift. The company says, their lift is a two person operation and no one should be left unattended while in the hooyer lift. Another aide was hiding in my mother's room. This was a late second shift and it was dark in the room, but the TV was on and when there was a flash of light you can see her sitting in the chair. This is caught on video at least 10 times for more than two hours at a time. Other aides were lifting by their selves without using a hooyer lift. There were 9 aides all together.

30. I took the video to the administrator and director and I had the Social Worker there and there was two other people. I told them I am giving you this flash drive with all the videos on it. If you don't take care of it, I will and you are not going to like how I do it. At this point I did not want to put my mother through this again, but if that is the only way, then I would have. The Nursing home executives came in and fired all 9 aids, the nurse that was in charge of these aides quite before she could be fired, the nurses supervisor was fired and so was the administrator, and that was not the end of my or my mothers ordeal.

31. A few months later, my mother was getting sick. Now I knew every time when she was getting sick, I caught every UTI and there were many, every time she was dehydrated and every time something was just not right. I had an argument with aide telling her my mother was sick, something is wrong. She pointed her eyes up in the air and walked out, I called her back in and I was loud. She went and told the administrator that I threatened her. Now we went back and forth with the police several times, This time the administrator told the police that he was banning me for five days. The older cop that was he told this to had been there before and knew the situation and knew my mother was abused and the whole story. He told me to come with him, as we walked away he said, my mother was in a nursing home and I know what is happening. He told me it's only five days and it would be best not to make a bigger issue of it. So I left. Nursing homes can ban a family for any reason, this is in violation of the 1987 Residents Bill of Rights and this must be stopped.

32. The next day I called to see how she was and the nurse said she was in bed and they were going to do some test. I called the administrator and told him I want an ambulance called to take her to a hospital. They refused, and I called the police that were there the day before. I five minutes the administrator called me back and said, they were going to call an ambulance to take her to the hospital. When I got to the hospital she was lethargic not responding to anything. They did test on her and said she had an infection and they found feces in her Virginia which they said it was from poor cleaning and that was the cause of the infection and she was dehydrated. The Hospital said they could not keep her and had to send her back to the nursing home because they can give the medication through an IV.

33. The next day I called another nursing homes and the following day she was moved to the new nursing home after being in this nursing home for five years. I got to the new nursing home and put all her stuff away and set things up. She was still out of it and they were giving her the IV. I left around 7 pm and by 10 pm they called me to tell me that they called an ambulance to take her to a hospital that her vitals signs drops low. They admitted her into the hospital and for by the end of the second week she was awake enough to take a couple bits of food and a sip of water. The doctor came in and said that there was nothing they can do that a nursing home couldn't do. He advised me to send her back this time under Hospice..

34. On the third day under hospice they put an air mattress under her and during the night the mattress broke and she fell out of bed badly cutting her legs, her knees were skinned and face was bruised. I told them in the 15 years she was in a nursing home she never fell out of bed, and I gave them the same strict rules that everyone else had. Two weeks later I get a call at 5 am to tell me my mother expired. She died in pain and abused. No matter what I did to try and protect her I could not do it. The only time I caught abuse and neglect was when I put a hidden camera in. No one should have to go through all of this just because your old and sick.

35. Lilia Sizemores father case. Father abused and neglected, when covid started her mother could not see her husband of 45 years, never apart. Roy Sizemore suffered horrific abuse and from the time of the shutdown to about 10 days ago, Roy Sizemore died from pneumonia and clogged lungs. Prior to his death he was plagued by abuse, UTI and much more. He did not die from the virus and his wife got to be with him for a few hours.

36. Michelle Sanchez mothers case, her mother suffer a compression fracture of the back during therapy in which they took their time to treat her for it. Another aid manhandled her mother putting her in bed that caused tremendous pain from a hip surgery she recently had. Also many other problems just too much to list.

37. A family in the Dayton area who wishes to remain anonymous found out that their mother was being raped in the nursing home.

38. A Cleveland woman whose brother is in a nursing home has been complaining about his care, he said he can't go to the bathroom by himself so he often has accidents. He has been complaining about pain in the back and legs only to find out they are bed sores.

38. The woman who was in a coma for over a year, had a baby while in the coma in a nursing home, they found out she was being raped and through DNA she caught the rapist.

39. A criminally insane 22 year old man in a nursing home brutally beats his 75 year old roommate.

I could go on and on about the hundreds of cases of abuse I heard in my 20 years of advocating. What you are going to hear is more of the same, and you have already heard some. Is it just a coincidence that this happens in nursing homes not just in Ohio, not just in the U.S., but all over the world. I have been world traveling since 2017. I have been to over 50 countries and met people from all over the world. When I ask some of them if they had anyone in a nursing home the first thing they said was, they killed my father or loved one. This has happened so much throughout the years of nursing homes that it is treated as the normal, it just another one, lets move on to the next one.

Nursing homes have had this problem from the time they were called Almshouses and poor houses. After the civil war many families could not care for the elderly. Almshouses were like group homes. They began housing the disabled, orphans, mentally disabled and mentally ill. They were not run by the government, but by women and churches. By the 1920s 70% of all residents were the elderly poor. In 1935 the Government enacted The Social Security Act, in an effort to abolish Almshouses. In 1954 the Government passed new laws that allowed for public institutions and nursing homes were started. By the 1960s the number of nursing homes began to increase. In 1965 Medicare and Medicaid was passed. During the 1970s nursing home abuse became a national scandal. In 1987 the Resident Bill of Rights was passed into law. By the year 2000 the nursing home industry became a 100 Billion dollar industry. By the year 2030 there will be about 72 million older persons, more than twice the number from the year 2000.

Nursing homes have been called old peoples homes and continue to be associated with poor care and abuse. Today's age of political correctness and changing names to better sounding even though they are the same. Nursing homes have been moving away from being called nursing homes. Now they are called Skilled nursing facilities and Long Term Care Facilities. Just like they changed from Almshouses and Poor House, they will change again, so it is important that language reflect the changing times. As a former Union Representative and studying to become a paralegal, I know, and I'm sure you know the importance of being ambiguous, while the law is clear, the institutions can be changed.

Cameras in nursing homes is not a solve all problems. It will give residents and family peace of mind to be able to check on them at any time. This law is not being made to catch abuse it is being made to stop abuse. No one has the right to privacy in a residents room. No employee has privacy rights in the workplace. The only one who has the say so on if and how they want a camera is the resident or legal guardian. They have the say so on their own privacy, no one else does. This law is a very simple law, if you want your privacy, you can have it by simply not putting in a camera, this is not a mandatory law it is elective. This law does not let a person who does not want a camera to not let a person who does want a camera not to have one. They have equal rights and both will have their rights.

People who do want the camera the 1987 Residents Bill of Rights allows them to make that decision to be treated with dignity and respect and be free from abuse and neglect. This law will allow one resident who does want a camera even though the other roommate does not want one , will still have one. The cameras will have a fixed lens, you can not move them remotely. They can easily be pointed at only the resident who does want the camera. No one will have the right to turn off the camera at any time, it will be against the law to tamper, block, shut off or move the camera. The only one that will view the videos is the person who has the authority to put the camera in. Not even the nursing home will have the authority to view the videos unless there is suspected cause and they must get permission from the resident or guardian. These cameras are protected with a security code and work through WiFi. If the facility refuses to let the use of their WiFi, then the resident or guardian will pay for their own. Most if not all carriers provide inexpensive WiFi to seniors. These cameras will record in actual time and the are time and date stamped that can not be altered. The difference between a Security camera and a Hidden camera is the Security camera has sound, the hidden camera does not. These camera can be used without WiFi with just having them record, you would have to switch out the SD card and take it home and download it on a computer, the same way a hidden camera would work. There will be signs posted that there is a camera in the room.

There is another state that lets you put the camera in for two weeks without telling the nursing home, I see no value to this. Some people are under the misunderstanding that it will allow you to put the camera in and not tell anyone. The law makes it that instead of reporting it to the nursing home, you go through the Ombudsman, and you still have to go through the process of consents and forms, and the camera can not be hidden. We are not trying to pull a fast one here, that is why there is no value to this.

1. Nursing homes and Assisted living facilities are different. Both are under the Department of Health, but nursing homes receive Medicaid and Medicare and assisted living facilities is Private pay. Nursing homes have 24/7 nurses and aides, and assisted living does not, sometimes they don't have a nurse or aide.
2. Short term care in nursing homes is anything less than three months, long term care is more than three months as set by Medicaid and Medicare.

An Ombudsman is a person who is a representative of the residents, sort of like a union steward, they can file grievances and try to settle problems. They are very limited in what they can do, and the nursing home has the final word. I seen an Ombudsman when my mother was abused in 2011, they even came to court with us. After that I never seen an Ombudsman again, I asked for one, and even filed a complaint with the Department of Aging and in the seven years after the abuse, they never came back. So for me they were useless and I have heard of many complaints against them.

The Department of Health is another place where you can go and file a complaint against the nursing home or assisted living facility. There are far too many complaints against them for doing nothing. When you file a complaint they send someone out to investigate, and send you a letter saying, basically they did not see any part of your complaint when they did their investigation. When my mother was abused I filed six complaints in a three month period, the only one that was substantiated was the one I had 1000 videos of them abusing my mother, and the media and police already had it.

I don't know who gave the Department of Health the authority to investigate a crime. No where else in the entire Government system or the United States has the authority to investigate a crime and make a decision on it, but them. They are not qualified to investigate a crime and this must be taken away from them and given to the proper authorities. We must train local police on nursing home abuse, and how to work with residents when investigating, especially the most vulnerable dementia residents.

Steve Piskor

216 420-3869

Founder of Elderly Nursing Home Abuse Advocates now in its 9<sup>th</sup> year advocating to end elderly abuse.

Facebook.com/estherpiskor