



ELDERLY ADVOCATES

Dedicated to Quality Care in Ohio

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**Written Testimony on House Bill 606
House Civil Justice Committee May 26, 2020
Paula Mueller, Founder of Elderly Advocates**

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the Committee,

On behalf of Elderly Advocates, thank you for the opportunity to give written testimony on our organization's concerns as an opponent of House Bill 606. Elderly Advocates is a non-profit, nonpartisan organization with a mission to improve the quality of life the elderly and all residing in long-term through education, support, and advocacy.

I would like to mention that not only am the founder of Elderly Advocates, but also have been a family caretaker that has seen poor care personally in caring for my uncle that I was extremely close to all my life. Prior to my uncle's death, he had 5 falls in a week in a nursing home because no one came to help him pull up his pants in the restroom. This started a chain of events that would lead to a traumatic ending for he and I that has left me with images I will never get out of my head. To quote him two weeks before his death, "I don't know if I should give up, I can't do things anymore and they (nursing home) won't help me." These residents are our treasured family members. It is with great passion for quality care for the elderly that I give this testimony on behalf of all of our followers that have experienced poor care in the past or currently. I bring this testimony from many followers in our organization.

We advocate for our treasured vulnerable elderly population who often have no voice. Many cannot fend, protect, or speak up for themselves. Family caretakers primarily do two things. The first is to fill the gaps that are many times seen in understaffing in nursing homes. Some of the things we do include visiting at dinner time to assist them eat, wash their clothes, ensure they have what they need that the facility does not provide

The other main activity we engage is advocating for them, to be their voice. We see the challenges they face in receiving care due to various reasons, and we advocate for them to get issues addressed and resolved.

There have been well known issues in long-term care for decades. We believe the main cause of these issues is understaffing. We strongly oppose this bill as it allows immunity for neglect to a population that needs the highest level of care. At a time that Ohio has been leading the way in doing the best we can in fighting COVID-19, we need to lead the way for nursing home care during an emergency or disaster. We do not believe removing accountability or consequences during this time is doing the best we can to keep that bar high for our most vulnerable. This bill sends a wrong message and we believe it is likely more injuries and deaths will occur to a population we should be doing all we can to protect.

Most upsetting to our followers is lack of protection for their family members in long-term care in this emergency/disaster including:

- The Governor immediately applying for a waiver that eliminates staffing requirements during an emergency in nursing homes.
- Locking out families without any continuing eyes on oversight with real time cameras.

- No virtual visits to residents by the Ombudsman. The Ohio Department of health reducing investigations to those of immediate jeopardy. We are not confident they are engaging in person oversight as well.
- Lack of consistent basic policy and procedures being transparent facilities that have and do not have COVID-19 in facilities.
- Lack of transparency since the start of this emergency as to information on staff and residents testing positive at specific facilities, and the number of deaths for each. This would have helped families make the best decisions they were able. This information was excused for giving by saying it violated HIPAA when no specific individual health information was given except to authorized representatives.
- Now, fast forward to passing a bill (HB 606), that allows neglect for their family members during an emergency or crisis. We should never get to the point of legislating away acceptable care for our vulnerable family members. These are our mothers, fathers, brothers and sisters, and other family members dear to us.

Our followers ask what is being done to protect their family members. They have seen all the things done that they feel strongly do not protect them. They are frustrated and angry. We ask that a pause is taken on HB 606 to consider how many residents and families will be affected further by this bill. We believe this bill will result in a flood of stories of poor care and neglect. Pre-emergency families could only get about 332 complaints substantiated out of 1,246 complaints filed yearly with the Ohio Department of Health. They feel in an emergency, more leniency and consideration will be given to healthcare providers. They feel this law will accomplish sending the wrong message more than anything. I will be happy to respond to any questions that you have.