



State Representatives Kristin Boggs & Erica C. Crawley
House Bill 290 Sponsor Testimony
House Criminal Justice Committee
December 8, 2020

Chair Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to stand before you today and provide sponsor testimony on House Bill 290 which if enacted into law, this legislation would prohibit unlawful sexual contact between health care professionals and patients and revoke professional licenses for criminal misconduct.

In early 2019, an Ohio chiropractor was convicted of sexually assaulting 22 patients. 43 of the chiropractor's patients came forward to report him for sexually assaulting them at his Clintonville office. Many of the accusations were outside of the statute of limitations, therefore only 22 patients ranging in ages 14-74 were able to file charges.

It was found in 2018, that the chiropractor had been reprimanded twice by the Ohio State Chiropractic Board in 2007 and 2015 for "sexual misconduct". His patients stated that they were unaware of these allegations when they entrusted him with their healthcare.

The chiropractor pleaded "no contest" to 66 counts of sexual imposition and because his charges were misdemeanors, the maximum possible sentence was 18 months. The chiropractor only received 180 days in prison which was served on consecutive weekends for 60 weeks. Health care professionals are in positions of power and influence and because of this they should be held to a higher standard.

HB 290 would increase the maximum possible sentencing for healthcare professionals as they are in positions of trust and it would also change the laws if the survivors of sexual assaults are under the age of 18. This legislation would increase the mandatory sentence to be between two to eight years in prison. Currently, this mandatory sentencing only applies to mental health professionals, but HB 290 would extend the mandatory sentencing to healthcare professionals including:

- Social workers

- Optometrists
- Registered nurses or licensed practical nurses
- Dentists
- Dental hygienists
- Physician's assistants
- Psychologists
- Physicians
- Speech-language pathologists
- Audiologists
- Occupational therapists
- Chiropractors
- Physical therapists
- Athletic trainers

House Bill 290 would:

1. Take the crime of sexual imposition from a misdemeanor to a felony if the perpetrator is a health care professional.
2. Require automatic revocation of certain professional licenses for specified types of criminal misconduct, including gross sexual imposition. The suspension would be effective as of the date of the conviction. Continued practice after the suspension would be considered practicing without a license. An individual whose license is suspended under this automatic suspension procedure must be notified of the suspension by the licensing board, by certified mail or in person.

This legislation is important because if HB 290 had been in place in 2007 when the Ohio chiropractor was first reprimanded, then he would not have had the opportunity to continue to sexually assault his patients. Unfortunately, we can't change the past, but with the passage of HB 290, we can protect future patients from healthcare professionals that abuse their patient's trust.

Chair Lang and members of the Committee, thank you again for the opportunity to speak on behalf of HB 290. We will be happy to answer any questions you may have.