

## Written Testimony on HB 606/SB 308

**Submitted by Vicki Krafthefer, Guardian of sister in long-term care  
Senate Judiciary Committee, June 22, 2020**

Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee:

Thank you for allowing me the opportunity to testify in opposition of HB 606 and SB 308. I have also submitted a written testimony. I am Guardian of my sister who resides in long-term care. I am also a board member of Elderly Advocates as I have seen the challenges of long-term care with my sister and others.

My sister has been a resident of a nursing home since September 2016, residing in two other facilities prior. I would like to testify as to just a few of the things what I have seen:

- Falls-over 87 since 2016(7 since COVID-19) with the most recent on June 12, 2020.
- On June 12, 2020, I received a phone call from nursing home stating my sister was found in the courtyard unattended and unconscious with her head in a pool of blood and being rushed to the hospital. It was an unwitnessed fall from her wheelchair. When I got to the hospital, I ran into a problem of getting in, but I succeeded as my sister is incompetent and that of a 4-year-old. When I saw her, was still unconscious and remained so for several hours.

We do not know how long she was unconscious in the courtyard or how the incident happened. We do know she was wearing a hooded jacket in 81-degree weather - why? Her heart rate was dangerously high upon arrival at the ER and throughout her admission. It was ruled that stress had triggered her Wolfe's Parkinson's White disease.

This incident was very hard on my sister (who experienced the fall), myself and my family. I did not know if I would ever hear my sweet sister talk again or even see her. The fact that this even happened to her is unacceptable, as she has orders to never be left alone outside and is to always be supervised.

- There are more stories of neglect and abuse complaints in my previous testimony on HB 606. I have had over 50 substantiated complaints regarding care, which clearly shows the many challenges in the nursing home prior to the virus and it is still occurring DURING the virus.

When I ask the Ohio Department of Health why a complaint is unsubstantiated, it is very discouraging and frustrating to be told “we can only act upon what we see when we are at the facility investigating”. It usually takes them 2 days to 2 weeks to investigate a complaint and they have stated the facilities know when they’re coming out, so they take care of things before they even get there.

When a nursing home accepts a resident for admission, the facility assumes the responsibility of ensuring the safety and well-being of the resident, PERIOD. It is the facility’s responsibility to ensure all staff are trained and are knowledgeable in all areas. PERIOD. A facility cannot disown the acts of staff. PERIOD. HB 606 and SB 308 would allow this. It is wrong to grant nursing homes immunity when there are still many challenges such as:

- Medicine errors
- Wrong documentation in residents’ files
- Neglect- bathing, lack of hygiene
- Abuse of any kind mistreatment
- Broken and infected skin under breasts and abdominal folds
- Choking episodes
- Refusal to cooperate with outside Doctor’s Codes (DNR and FULL CODES) being documented wrong and left in my sisters’ room
- 8 people coded wrong
- Toileting not done
- These patients also experience being hit, hair pulled etc. for nursing home having many challenges.

**Despite the pandemic, residents still have the right to:**

1. Receive care and services to obtain highest level of well -being
2. Participate in the development and implementation of a person-centered plan of care, including the right to make decisions about care now and in the future
3. Be free from abuse, neglect, exploitation, and misappropriation of property
4. Voice grievances without discrimination or retaliation and prompt action efforts by the facility to solve their grievances.

What does immunity mean for residents and families? Does the Ohio Revised Code protecting our loved ones now disappear?

Giving immunity to facilities whose negligent acts result in the injury or death of a resident will not face accountability. It reduces likelihood that facilities will comply with laws and regulations Many families will never know what happened to their loved ones during the COVID-19 pandemic.

### Immunity Concerns:

- Rewards facilities with histories of poor care quality by allowing them to escape accountability.
- Inspection reports and stories from families and residents make clear much of the harm to residents is from negligent care and lack of staff — not PPE.
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Could result in months or even years of zero accountability in nursing homes. Therefore HB 606 and SB 308 should not include nursing homes. The care required always is a higher level 24/7, we should not take this lightly and just include these residents with businesses that are in no way comparable in services. We should not take away protections and at the same time ignoring protections that would help such as:

- Real time cameras allowed to be installed by family members. Privacy is not an issue as the resident or Authorized Representative can choose to waive that.

Nursing homes already have cameras in the hallways and dining areas and outside. We are not privileged to see them. If an incident happens, we need them in the resident's rooms, so we have a chance to advocate for them and have a chance to avoid a bad outcome.

Surveillance cameras are in the stores at gas pumps, banks etc. without our knowledge or permission, but we cannot help our elderly and physically and mentally challenged who have no one to protect them from abuse and neglect?

We should never leave the resident without their authorized representative. They should always have access always even in an emergency, even with protected gear. When staffing requirements have been waived, the residents should not be denied the help their families are willing to keep providing for them.

We cannot continue to give nursing homes free passes. Please do not let these bills pass without taking the nursing homes out and giving them the considering deserved before taking away protections. We need to be LEADERS in how we PROTECT our vulnerable elderly population in long-term care.

Don't we owe them that?