

Tom Stephens
486 E. Miami St. #1
DeGraff, OH 43318
937.844.7531
tommyrot1962@icloud.com

When I last had the privilege of addressing this Committee, I told the story of my mother, Jerry Stephens, who died, aged 92, on May 9 of last year. She was living in an Alzheimer's Unit at Green Hills in West Liberty when she passed.

Because of the Covid restrictions that were put in place in March of 2020, for the last two months of her life Ma was surrounded, not by her extended and loving family, but by the staff of the nursing home where she lived. To a person, my family and I believe that the staff did its level best to make Ma comfortable and attend to her basic needs and may God bless them all.

But we also to a person believed that Ma's complete loss of contact with her family hastened her death by several months, months where she could have been happily surrounded by her family.

Ma didn't always recognize me when we had our last visits, but with her good manners and her good nature, she would never let on that she didn't know who I was. To her, that would have been unthinkable rude. She treated me with the respect and deference and charm that she would have to any visitor in her home. Alzheimer's may have stolen her memory and ability to reason, but it did not take away the fact that Ma, in the end, retained many of the qualities that she was known and loved all of her life: Her kindness, her courtesy, her dignity, her sense of humor.

At least she did the last time I was able to speak to her in person, which was a year ago this month. She died last May. For two months, Ma had no visitors and during that time her physical condition went from fair to critical. We were only allowed to see, touch and speak to her again two days prior to her death. She was unresponsive the entire two days. As I said during my last testimony before this committee, Covid did not cause my mother's death, but the cure had something to do with it.

But when kicking around ideas for my testimony today, I didn't want to make this some sort of maudlin eulogy for my mother, because I knew her my whole life and, trust me, she would have hated every last minute of it. The last thing she would want was me to use this precise time at this Committee taking about her. That time for that has come and passed. She would want me to say what needs to be said, and sooner not later.

So for inspiration for today's testimony, I re-read a good part of the Ohio Constitution and immediately noted that Article 1 of the same cribbed a phrase from an earlier text, one that was written 27 years earlier and under quite different circumstances, that text being the Declaration of Independence.

The framers of Ohio's Constitution, knowing good phrase and an absolute truth when they heard it, thought it worthy to put it in the very first sentence of Article 1: "certain inalienable rights".

Dr. Franklin was the one who suggested the the word 'inalienable' to Mr. Jefferson when he first read the manuscript, and as a student of the English language, I can appreciate what a masterful stroke this small change made.

The adjective "inalienable" simply means – unable be taken away from or given away by the possessor. Both the United States Constitution and Ohio Constitution make it very clear that the only way we Americans and Ohioans may lose those rights and that is by due process of law, not by the stroke of a pen.

Restricting LTC facilities to a 'no-visitors period' for two or three weeks is a calculated risk and one, at the time, seemed like an appropriate one.

But what I soon found unreasonable was not only the undetermined length but the breadth of the restriction of visitors.

Family members weren't the only one banned from the LTC facilities. Doctors were getting static for making rounds in some units. Speech therapists, physical therapists, occupational therapists, nutritionists, maintenance crews were barred from making their usual visits. EMTs were called to LTC facilities and not allow to enter.

The argument for extending the restrictions any longer than a fortnight or so fails to hold water. Even the smallest LTC facilities have dozens of staff coming in and out of the buildings 24 hours a day, seven days a week, 365 days per year. Certainly a safe and reasonable number of family members or caretakers could be screened for Covid, appropriately attired and trained and be included with the comings and goings of the rest of the the staff. This would not be a big stretch nor an undue burden on the LTCs. I willing to bet that most, if not all, would be receptive to the idea.

I challenge the members of this Committee to ask any of the the professionals, the professionals who every day are on the the wards and units of these LTC facilities – aides, nurses, therapists, physicians, nutritional staff, environmental staff, activities directors, volunteers, trustees, administrators – ask any of them if having loved ones and caretakers visit makes a difference in the mental hygiene and and psychological makeup of the residents. The answer is going to be 'yes, definitely yes, absolutely yes' every time.

I spoke of 'inalienable' rights a few minutes ago and both the texts cited 'happiness' as one of those rights. Humans are social animals and societies have a right to protect themselves. But to completely remove our most vulnerable demographic, not from just the frame of society but the bosom of the family, people who are already out of the mainstream because their circumstances, runs counter to human nature.

It is, simply, an injustice. The inalienable right of the pursuit of happiness does not stop once one moves into a retirement center or LTC facility. Ohioans, their families and their

health care providers are in a much better position to decide on what is best to take care of our loved ones than is an executive fiat.

I generally hates cliches, but this one kept popping up in my mind as I wrote my testimony: "A measure of a Society can be taken by the manner in which it treats its most vulnerable members."

It is my sincere desire to have by great-grandchildren look back and say that we, here in this Committee, in this Statehouse, in this great State of Ohio, did the best we could for our "most vulnerable members."