

Written Testimony on HB 770

Submitted by Patricia Neidert

Aging and Long-Term Care Committee, December 2, 2020

Chair Ginter, Vice Chair Swearingen, Ranking Member House, and the members of the House Aging and Long-Term Care Committee:

Thank you for allowing me to submit my testimony as a proponent of HB 770. As a proponent, I do think there are some critical revisions that need to be made to this bill to make it realistic and legal for both residents and caregivers, respectively. I am POA, along with my sister, of my 90-year-old mother who resides in an assisted living facility in Summit County, Ohio.

My mother has a rare form of dementia called Frontotemporal Dementia, which is in itself, not life threatening. The greatest danger of death for my mother is falling out of her wheel chair or bed, and other infection-related risks. I am unable to be by her side to care and watch over her as I did prior to the COVID shutdown of assisted living facilities. She has fallen many times since then and has required stitches to her head and has many fall related bumps and bruises. The facility is just not able to keep up with staffing due to COVID quarantines and other staffing issues, like many facilities today. My greatest fear is losing my mother to this unrelenting and irreversible COVID-related neglect.

Such COVID- related neglect is happening everywhere, not just in my mother's facility. This is the second home my mother has been placed in since COVID began. We had to remove my mother from a prior facility in June of this year just to get much needed medical care for a UTI that had gone untreated for weeks. She would have died had we not taken her out. It was difficult to find another facility after her hospitalization due to COVID isolation rules. Dementia patients cannot be isolated...ever.

Fortunately, a new home was found, but again we experienced COVID- related neglect. There is no doubt in my mind that all residents need a loved one present especially during COVID. Facilities are not able to do the job of keeping our loved ones safe.

Please see my views below on how we might change the current law to better fit the existing reality and legality of resident and Resident Representative relationships.

1. I ask that Essential Caregiver be replaced with Resident Representative. (Rationale: legal definition in Resident Rights in Federal Laws).
2. I would like it taken out that the facility has to be consulted on any visitors (Rationale: Not required in Resident Rights in Federal Law).
3. I would like it taken out that no care is required to be given by visitors or any reason is necessary to visit. (Rationale: Residents Rights in Federal Law)
4. I would like to see added residents have the right to access their Resident Representative at all times, COVID, or not. (Rationale: Not having access at all times will not reduce risk of COVID coming into the facility as proven by the number of deaths residents cannot be protected from even now with COVID related neglect)
5. I would like added that the only time residents do not have access to their Resident Representative is during a 14-day period for a safe plan to be put into place (testing, PPE).
6. I would like added that a monetary assessment is given to the facilities that violate this law. (Rationale: Enforcement critical to laws).

My family thinks that constitutional and residents' rights are currently being violated. We need a law that protects our rights, even and especially in an emergency. We feel these proposed amendments will do just that, and not risk taking away any rights residents currently have by law.

I hope these proposals will be taken into consideration. The residents and families are both suffering immeasurable pain. We have always believed we can do better, if we care to speak up and make a difference, not just for our family member, but for all. Thank you for hearing and considering our input.

Thank you for this opportunity to give my testimony.

Respectfully,

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