



Senators Stephanie Kunze and Hearcel F. Craig
Senate Bill 166
Senate Judiciary Committee
Sponsor Testimony
October 2, 2019

Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas and members of the Senate Judiciary committee. Thank you for the opportunity to provide sponsor testimony on Senate Bill 166. This measure, if enacted into law, seeks to prohibit unlawful sexual contact between health care professionals and patients and to revoke professional licenses for criminal misconduct.

Earlier this year, a chiropractor was convicted of sexually assaulting 22 patients. This was the finding of a Franklin County judge after the chiropractor pleaded "no contest" to 66 counts of sexual imposition. Prosecutors say 43 of patients came forward to accuse him of sexually assaulting them at his Clintonville office.

Many of those accusations fell outside of the statute of limitations, so he faced charges related to 22 women, ranging in age from 14 to 74. Regardless of the ailment they brought to his office- prosecutors say the diagnosis was the same. In statements to the court, a City of Columbus prosecutor stated "In each and every case he diagnosed them with some form of shoulder, or pectoral injury so that he could undress them, grope...., and rub....on them."

Since these charges are misdemeanors under current Ohio law, the maximum possible sentence was 18 months in prison, the judge at the trial gave the offending chiropractor 180 days in jail, to be served over 60 consecutive weekends. It is important to note that a media investigation when the allegations came to light, it was discovered that the same chiropractor had twice been reprimanded by the Ohio State Chiropractic Board in 2007 and 2015 for "sexual misconduct."

After meeting with the Columbus City Attorney Zach Klein and having multiple conversations with Representatives Kristen Boggs and Erica Crawley, who will be carrying companion legislation in the Ohio House of Representatives, and meeting with the victims of the chiropractor in question, we are proposing this legislation to ensure that perpetrators such as the doctor at the center of this case are handed a longer sentence-- especially when these victims go to healthcare professionals in positions of trust for medical care or the victims are under the age of 18.

Senate Bill 166 would:

1. Expand the offense of gross sexual imposition to also include unlawful sexual contact between certain health care professionals and patients. All of the following people would now be included as “licensed health care professionals” under the bill: licensed dentists and dental hygienists; registered nurses and licensed practical nurses; licensed optometrists; licensed physician assistants; physicians; licensed psychologists; licensed chiropractors; licensed speech-language pathologists and audiologists; and licensed occupational therapists, physical therapists, and athletic trainers.

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.

If enacted, the penalties for gross sexual imposition committed under the circumstances added by the bill are as follows:

<i>Circumstances</i>	<i>Offense level</i>	<i>Potential incarceration and financial sanction</i>
If the patient was over 18	Fifth degree felony	A definite term of six to 12 months and a fine of up to \$2,500
If the patient was age 13 or older but younger than 18 or was a person with a developmental disability	Third-degree felony with presumption that a prison term must be imposed for the offense	A definite term of 12 to 60 months and a fine of up to \$10,000
If the patient was younger than 13	Second degree felony with a mandatory prison term	An indefinite prison term with a stated minimum term selected by the court of two to eight years and a maximum term generally equal to the minimum term plus 50% of that minimum and a fine of up to \$15,000

If a licensed health care professional is convicted of gross sexual imposition committed under the circumstances added by the bill, the court must send a certified copy of the judgment entry of conviction to the regulatory or licensing board or agency that has administrative authority to suspend or revoke the licensed health care professional's license.

This legislation is an important public policy proposal. If enacted, it would ensure that healthcare professionals who violate their patients' trust will face more severe sentences and have their license revoke.

We trust our health care professionals to look after our well-being and act in our best interest. This bill is not aimed at the vast majority of health care professionals who help their patients heal and grow. Instead, this bill seeks to punish medical professionals with bad intentions who use their power and authority to exploit their patients. When we see health care professionals, we trust our providers' knowledge, training and licensing and we expect them to provide us with their expert opinion. When they violate our trust, we need a clear and fair path to justice.

Chairman Eklund and members of the committee, thank you for the opportunity to present sponsor testimony on Senate Bill 166. We are happy to answer any questions.