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House Families, Aging, and Human Services Committee
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Sponsor Testimony SB 58

Good afternoon, Chair Manchester, Vice Chair Cutrona, Ranking Member Liston and members of the House Families, Aging, and Human Services Committee. Thank you for this opportunity to provide testimony on Senate Bill 58, which would allow residents of a residential facility to conduct electronic monitoring of their room.

This bill is named for Esther Piskor. Esther's family was concerned about her quiet moods and the unexplained bruising on her body while she was a resident in a nursing home in Northeast Ohio. Her family then placed video cameras in her room and caught horrific footage of her being assaulted by healthcare professionals.¹

Unfortunately, this issue is not unique to Esther, or to Northeast Ohio. There have been numerous cases across the state, including one in 2019, where an aide at a Dayton nursing home was charged with abusing a 90-year-old woman in her care. When the woman was unable to get out of bed, the aide jerked her violently into a sitting position and then proceeded to force her into a standing position, leaving her with neck pain and bruising on her arms.²

Additionally, in 2017, a Franklin County grand jury indicted seven former nurses at a nursing home in Columbus on charges of involuntary manslaughter and patient neglect. One patient developed wounds on his body that progressed to gangrenous and necrotic tissue as a result of nurses' neglect. He later passed away from septic shock. Another suffered physical harm because nurses falsified her medical records and forged signatures.³

This legislation authorizes the installation of electronic monitoring devices in long-term care facilities by residents and their guardian or attorney in fact; and clarifies that those individuals and

¹ <https://www.wkyc.com/article/news/son-pushes-for-cameras-after-mothers-nursing-home-abuse/95-aa80fc49-2cad-455b-8ce5-163512ae9783>

² <https://www.whio.com/news/crime--law/dayton-woman-accused-patient-abuse-appear-for-final-pretrial-hearing/Ann5exTttenynkoPerB9dK/>

law enforcement are able to view the images captured by the device. In this legislation, the installation and use of an electronic monitoring device may be authorized only if both of the following conditions are met:

If a long-term care facility has prescribed a form that the resident or resident's guardian or attorney in fact completes and submits to the facility. The cost of the device and the cost of installing, maintaining, and removing the device, other than the cost of electricity for the device, is paid for by the resident or the resident's guardian or attorney in fact. The long-term care facility may then post a notice stating that an electronic monitoring device is in use in a particular room. This legislation also prohibits retaliation against a resident who authorizes electronic monitoring and the intentional obstruction, tampering with or destruction of any device or recording. We have worked closely with the Ohio Healthcare Association, Ohio Department of Health, Ohio Department of Aging, and the Long-Term Care Ombudsman Program to ensure that Substitute Senate Bill 58 will best mitigate instances of elder abuse and neglect in long-term care facilities.

The goal behind this legislation is to give elderly residents and their families the option to place an “electronic monitoring device” in a fixed position to visually record activities and perhaps sounds occurring in the room. The legislation will help mitigate occurrences of elder abuse within nursing home settings in Ohio, which refers to any knowing, intentional or negligent act by a caregiver or any person that causes harm or serious risk of harm to a vulnerable adult. Unfortunately, according to the Ohio Department of Jobs and Family Services, between 2017 and 2018, there were about 15,000 reports of abuse, neglect, and exploitation for adults over the age of 60 in our state.⁴

Esther’s Law can provide families peace of mind, by allowing them to check up on their elderly loved ones. Covid-19 further highlighted the need for this legislation when in-person visits were not possible. At this time especially, we need to be doing more for the aging citizens of Ohio, and we believe this is an important first step. This legislation may bring families closer and could very possibly save lives.

This is a bill which is designed to help protect loved ones who are in long-term care facilities by allowing video surveillance cameras in their rooms. I jointly sponsored this bill with my colleague Senator Antonio, because some of my constituents were also running into problems with negligence of their loved ones in long-term care facilities. This bill is a balance between privacy and the need to know that a person living in a skilled nursing or long-term care facility is properly protected. I also believe that this bill is needed now more than ever, due to restrictions to access which occurred and are still occurring today due to the pandemic.

A couple of years ago a constituent brought to my attention the fact that their elderly loved one was not being taken care of in a skilled nursing facility. This constituent was also a retired nurse and saw

³ <https://www.cnn.com/2019/02/14/health/ohio-nursing-home-patient-neglect-accusations-bn/index.html>

⁴ <https://jfs.ohio.gov/OFC/APS-DataFactSheet-SFY2018.stm>

many negligent practices in the facility, such as an unattended senior citizen laying on the floor beside a bed. I then heard from others who were running into the same problems and saw the same issues. In fact, I noticed similar issues when I visited a relative in a facility who was being rehabilitated. Soon after, I began working on my own bill, which isn't as straightforward as what Senator Antonio had drafted, which allowed video cameras inside the rooms of the loved ones so that their family members and guardians could monitor their status.

The bill is a balance of privacy, protection, and maintaining expectations that everyone should be treated humanely. Many interested party meetings occurred, led by my colleague, Senator Antonio, and a balance was achieved in this bill that allowed it to be passed out of our chamber unanimously. That being said, I know there is always room for improvement and I look forward to your committee's continued work on this important issue. I will be glad to answer any questions you may have.

Thank you for the opportunity to testify on this important legislation, and we are happy to answer any questions the committee may have at this time.