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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 legislation passed unanimously out of the Senate back in May.

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 professionals¹.

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 to stand, 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 gangrene 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

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/Ann5exTttcnynkoPerB9dK/>

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

Esther's Law 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 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:

- The resident or resident's guardian or attorney in fact completes and submits to the facility a form, if the facility has prescribed one.
- 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 for months on end. 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.

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.

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