



House Bill 409 Sponsor Testimony
House Families, Aging, and Human Services Committee
November 18, 2021
Representative Janine Boyd
9th House District

Good morning Chairwoman Manchester, Vice Chair Cutrona, Ranking member Liston, and members of the House Families, Aging, and Human Services Committee. It's my honor to share my testimony with you today as the sponsor of House Bill 409- the Patient Protection Act- with my joint sponsor, Representative Carruthers.

The Patient Protection Act intends to help hospitals and long-term care facilities deliver the same consistency of care to patients with regards to patient restraint policies just as they do with every other aspect of patient care. Currently, there are inconsistencies in restraint policies from hospital to hospital. The State of Ohio does not have standards in place and leaves it up to each hospital to determine their own policies, without any oversight. It is the responsibility of all hospitals and long-term care facilities to ensure that all citizens are safe when they enter and leave. We are our most vulnerable when we are receiving care in a hospital or long-term care facility. I am not an expert on restraint policies or procedures, but there are experts out there who have developed best-practices and provide technical assistance.

Advocates such as Disability Rights Ohio oppose restraints completely, I tend to agree, but I understand that there might be extenuating circumstances that may justify the careful restraint of a patient, for the safety of others or themselves. I have a personal story regarding a loved one, but neither of us is emotionally prepared for me to share his story at this time. I can tell you, however, that his story is not completely unique. I can also tell you that there are all kinds of events that might lead to an order for restraint of a patient. I can further tell you that some hospitals appear to approach restraining patients who present across age, health conditions and fragility, with a "one size fits all" protocol. And I can tell you that this can lead to injury, trauma,

and in worst cases, even death of a patient. Lastly, it is important to understand that some of these events that might lead to an order for restraint, might not be in the patient's control.

Sometimes it's a mistake the hospitals makes such as administering a medication in error or an incorrect dosage. Mistakes happen, that is the nature of being human. Keep in mind, restraint is not always used because the individual is violent or engaging in inappropriate behavior.

Since I sent out the co-sponsor request, a number of constituents and residents of other districts, have reached out to me to share their own stories in which he or she, or a loved one experienced injury or trauma as the result of an order for restraint, while in the care of a hospital or a long-term care facility. Here, in these chambers we often pursue legislation that aims to protect all people. This bill is offered in that spirit. My joint sponsor and I believe this is an opportunity for our legislative body to consider the fragility, safety, and well-being of our constituents when they are the most vulnerable- when they are in hospital or long term care. This proposal makes certain best practices around patient restraint, actual requirements in hospital and long term care facility policies and practice. I am interested in informed and vetted policies. I will not, and have not, moved on legislation that does not include input of all positions represented by interested parties. For this bill, I look forward to convening our hospital administrators, Ohioans with lived experiences, experts and advocates on the subject of restraint, and all other stakeholders. I believe all things happen for a reason. I believe my family suffered this year, and my joint sponsor's long suffering have in part, culminated in this bill proposal. Too many Ohioans have already suffered unnecessarily.

In summary and for the committee's convenience, HB 409 will accomplish the following:

1. Require that all hospitals and long-term care facilities adopt policies and procedures for a tiered response when restraining a patient or long-term care facility resident which is based on their age and health condition
2. Hospitals and long-term care faculties shall create a patient protection advisory board consisting of 7-11 individuals. They are responsible for the following:
 - i. Creating, reviewing, modernizing, and approving policies dealing with patient or resident care and treatment, and restraint protocols and procedures
 - ii. The Board is authorized to file grievances with ODH on behalf of a patient, their family, or a chronic situation they believe needs resolution

3. If hospitals and long-term care facilities use one or more member from a police force in their policies and protocols concerning patient or resident restraining, the responding peace officers shall be trained in Trauma Informed Care and have completed training for safest restraining techniques.
4. A staff member at a hospital or long-term care facility who works in patient services must be available 24/7 to accept and file a grievance.

Thank you Chairwoman Manchester, Vice Chair Cutrona, Ranking member Liston, and members of the House Families, Aging, and Human Services Committee for the opportunity to offer sponsor testimony for House Bill 409. I will now turn it over to my joint sponsor for her sponsor testimony.

