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Senate Health Committee
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Sponsor Testimony SB 58

Good afternoon, Chair Huffman, Vice Chair Antani, and members of the Senate Health 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

In this legislation, the installation and use of an electronic monitoring device may be authorized only if both of the following conditions are met:

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/Ann5exTttnynkoPerB9dK/>

- (1) The resident or the resident's guardian completes the necessary form and submits it to the residential facility. The Director of Health shall prescribe a form for use by a resident seeking to authorize the use and installation of electronic monitoring device in resident's room.
- (2) The cost of the device, the cost of installation, maintenance, and removing the device is paid for by the resident or resident's guardian.

The long-term care facility must 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.

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. This is especially important during Covid-19 when in-person visits have not been 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.

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.

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>