Senate Judiciary Committee

November 28, 2018

2:30 PM (After Session)

Proponent Testimony

Substitute House Bill 68

My name is Phyllis Carlson-Riehm and I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition. My testimony is in support of Substitute House Bill 68.

Although ACTION OHIO’s focus is on domestic violence and intimate partner violence, our organization is also interested in stopping other forms of abuse aimed at vulnerable groups, including the elderly and people with disabilities.

* Substitute House Bill 68 expands certain offenses (of pandering obscenity, sexually oriented matter and illegal use of minor in a nudity-oriented material or performance) that currently apply only when the specified prohibited acts involve a minor so that the offenses also apply when the specified prohibited acts involve an “impaired person,” who could be a person with disabilities or a person impacted by conditions resulting from the aging process.
* The bill also provides that the higher range of potential prison terms for a third degree felony applies to third degree felony violations of those offenses involving either a minor or an impaired person.
* For purposes of the bill’s provisions, an “impaired person” is a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person’s ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age.

Thanks to Representative Anieski for introducing this legislation and thanks to Detectives Christina Cottom and Cynthia Bazilius of Cuyahoga County for coming forward with the real life story that highlights the need for the bill. The abuses that triggered the need for a revision in Ohio law has everything to do with social media and the ways that it can be used to degrade individuals who are experiencing physical and/or mental impairments, sometimes resulting from medical conditions and/or the process of aging.

Although social media was the tool used to perpetuate abuse on nursing home residents, the real culprit was an employee hired to care for the elderly residents who chose to ridicule and mock them by taking obscene pictures and posting them on Snapchat.

Similar incidents have been identified in media reports (in Ohio and nationwide) as well as in government reports. Some of the story headlines include: *Nursing Home Workers Share Explicit Photos of Residents on Snapchat*, *Ohio Nurse Arrested For Giving* *100-Year-Old Man With Dementia A Lap Dance*, and *Nursing-home residents ridiculed in social-media photos*.

Inasmuch as nursing homes typically hire employees with limited training and health care experience and pay minimum wages, it is not surprising to find these examples of elder abuse practiced by employees an all-too-common occurrence nationwide.

The passage of Substitute House Bill 68 could be an important step in protecting Ohio’s nursing home residents from this new form of abuse. Elder care institutions need to establish higher standards of conduct and professionalism among their newly recruited and continuing employees. This new form of abuse won’t just go away without meaningful punishment and pressure applied to institutions that focus on care for the elderly and other impaired groups.

I would urge committee members to support passage of this legislation during the lame duck session. The next victim to be photographed and ridiculed could be one of your family members, or a member of your church or social group. No one needing health care services deserves to be degraded by such abusive conduct.

Thank you for the opportunity to express these views.

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