



Representative Melanie Miller  
Ohio House District 67

Representative Beth Lear  
Ohio House District 61

House Health Provider Services Committee  
House Bill 236 – Sponsor Testimony  
Wednesday, September 27, 2023

Chairman Cutrona, Vice-Chair Gross, Ranking Member Somani and members of the House Health Provider Services Committee, thank you for the opportunity for Rep. Lear and I to present our sponsor testimony on House Bill 236, “**The Never Alone Act.**”

It is our privilege to bring forward this patient rights bill. This bill has been a labor of love. We started with a simple idea and have worked diligently over the summer bringing interested parties together to get feedback and input. After many meetings, discussions, hard work, and much listening, we are confident that this bill is better than when we started, which is why we introduced a Sub Bill.

This bill – The Never Alone Act (HB 236) is simple and straightforward – we want to ensure that no patient is ever left alone when they are facing a vulnerable health situation. Over the last three years, we have gained heightened awareness of the need for legislation that protects the right of a patient to have access to a loved one or advocate to act on behalf of their best interest while in a hospital or care facility.

We have heard heart-breaking story after heart-breaking story of the many Ohioans who died alone. Staffing shortages and severe inpatient facility protocols left thousands of Ohioans without the attention they desperately needed and even worse, many saw their life end in a cold empty room without a familiar voice or hand to hold.

For example, a first-time mom was forced to deliver her newborn baby alone, without a significant other or spouse allowed in the delivery room. An elderly parent with dementia in an assisted living facility was only allowed to see his loved one through an outside window. Many Ohio families were shut out of a hospital room due to COVID while their loved ones died alone in a hospital room. We hope that this necessary and needed legislation will ensure that individuals and families will never again be left alone when facing a health crisis, even during a health emergency.

Patients have a right to be accompanied by a loved one in their most vulnerable time.

I would now like to invite my joint sponsor, Representative Lear, to share more specific details on the bill and changes in the substitute bill.

Thank you, Representative Miller. I would like to spend our remaining time on some of the details and changes we made to the original legislation.

- 1) What is the purpose of the bill? We simply want to ensure no one is forced to suffer or die alone ever again. To facilitate this, we created a bill to require congregate care settings to allow each patient or resident to designate an advocate.
- 2) Who can be an advocate? The bill defines an advocate for a patient or resident as: a spouse, family member, companion, guardian, parent, legal custodian or health care power of attorney. Working with the interested parties, we were informed of an increase in assaults of healthcare staff, so part of the sub bill includes exceptions to who can be an advocate, specifically prohibiting anyone who physically obstructs healthcare to which a patient has consented or engages in criminal behavior towards employees. In this situation, a patient or resident is able to designate an alternative advocate.
- 3) Where will this bill be applicable? Congregate care settings will be affected and those include nursing homes, hospitals, county or district homes, recovery housing, veterans' homes and residential facilities. A change in the sub bill ensures hospice patients' residences are NOT included.

- 4) When, in what circumstances, will this bill be applied? Always, and the bill recognizes, as a result of the IP meetings, some situations may require quarantine, personal protective equipment or even isolation. Advocates are given access to their loved one at the same level as staff and must comply with the same PPE requirements.
- 5) Why is this necessary? While the need for an advocate became obvious during COVID, it remains clear that patients and residents need access to loved ones whenever they are in a vulnerable healthcare situation. Over the summer I heard of yet another story of a wife being denied access to her husband who was in a Cincinnati area hospital. Ohio is better than this. Our institutions are better than this. Our citizens deserve the best laws and services we can legally give them. So together, we crafted a bill Representative Miller and I believe will meet most of the needs of our governmental agencies, congregate care facilities and Ohio businesses while, simultaneously, protecting our most vulnerable citizens during a healthcare crisis.

On behalf of Representative Miller and myself, we ask that you give favorable consideration to House Bill 236.

We will do our best to answer any questions you may have.