

Esther's Law

Electronic Monitoring in Long-Term Care Facilities

Esther's Law grants nursing home residents and/or resident representatives the ability to authorize and install electronic monitoring devices in resident rooms to monitor the quality of care received. The legislation behind Esther's Law was sponsored by State Senators Nickie Antonio and Andrew O. Brenner, and it was signed by Governor Mike DeWine on December 22, 2021.

This law addresses residents' rights to dignity and privacy where roommates are involved, places requirements on the facility to make reasonable accommodations, and prohibits facilities from retaliating against residents who wish to install electronic monitoring devices.

Electronic monitoring is not a substitute for involvement

While electronic monitoring can provide incentives to provide quality care and ensure residents are treated with dignity, it is not an adequate substitute for good care, family involvement, or personal monitoring of care. Nursing home residents and loved ones are encouraged to continue their involvement as residents could potentially be mistreated outside of their room.



Residents' rights to dignity and privacy

- ✓ All residents of long-term care facilities have the right to dignity, respect, and privacy when receiving care. Having an electronic monitoring device could be invasive to a resident or their roommate. Therefore, the resident – or if they are unable, their representative – must provide consent before an electronic monitoring device may be placed in their room.
- ✓ If the resident is sharing the room with a roommate, then the other resident and/or their representative must also provide authorization. If the roommate or their representative places conditions on their authorization, those conditions must be honored. A roommate may withdraw consent at any time.
- ✓ If the resident's roommate does not provide consent, then the nursing home must make reasonable accommodations to the resident seeking electronic monitoring by moving them to an available room if the resident consents to the move.



**State Long-Term Care
Ombudsman**

What the facility can and cannot do

Esther's Law allows nursing homes to post a notification in a clearly visible location outside the resident's room that electronic monitoring is being conducted in that room.

A nursing home cannot deny admission, discharge, discriminate, or retaliate against a resident because of their decision to install an electronic monitoring device. They also cannot obstruct, tamper with, nor destroy the device or any recording made from it.

Does Esther's Law apply to assisted living?

Though Esther's Law only applies to the nursing home setting, residents in assisted living/residential care facilities may also be interested in using electronic monitoring. An ombudsman can assist with options in other long-term care settings and help facilitate a resolution between and care providers. Visit Ombudsman.Ohio.gov to contact your local long-term care ombudsman program for more information and assistance.

Who can view or listen to the recordings?

Only the resident, their representative, law enforcement, or anyone permitted by the resident or their representative may watch or listen to recordings from the electronic monitoring device.

About ESTHER PISKOR

For the last three years of her life, Esther Piskor, a woman in her 70s living with dementia, was abused and neglected in an Ohio nursing home.

Steve Piskor, Esther's son, put a hidden camera in his mother's nursing home room. He said though he went to visit her often, and the staff never mentioned any difficulties with her care, it wasn't until he placed a hidden camera in the room that he witnessed aides verbally and physically abuse her and neglect her for long periods of time.

Although Esther passed away in May 2018, her son worked with Ohio lawmakers to create Esther's Law to enable families the legal ability to monitor their loved ones living in long-term care.

Where can I get more information on Esther's Law?

Visit Aging.Ohio.gov/EsthersLaw for more information, including a link to Esther's Law. For additional questions, contact your local long-term care ombudsman program by visiting Ombudsman.Ohio.gov.