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Substitute Bill Comparative Synopsis

Sub. H.B. 465

135th General Assembly

House Families and Aging

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This table summarizes how the latest substitute version of the bill (I_135_2061-6) differs from the As Introduced version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_135_2061-6)
Types of facilities in which electronic monitoring may be conducted	
No provision.	Specifies that a residential facility licensed by the Department of Developmental Disabilities (“licensed residential facility”) may permit residents to conduct electronic monitoring of the resident’s room, and prohibits a resident or resident’s guardian or attorney in fact from conducting electronic monitoring unless the licensed residential facility has permitted the use of such devices (<i>R.C. 5123.1911(A)</i>).
Authorizes a resident of an intermediate care facility for individuals with intellectual disabilities (ICF/IID) or a resident’s guardian or	Instead, as described above, authorizes a resident, of any licensed residential facility or a resident’s guardian or attorney in fact, to

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attorney in fact to conduct electronic monitoring of the resident's room (<i>R.C. 5124.81 to 5124.88</i>).	conduct electronic monitoring of the resident's room, if the facility permits electronic monitoring (<i>R.C. 5123.01, 5123.1910 to 5123.1918</i>).
Roommate consent	
<p>Specifies that if a resident wishing to conduct electronic monitoring of the resident's room lives with another resident, the other resident or other resident's guardian or attorney in fact must consent before an electronic monitoring device may be installed (<i>R.C. 5124.83(A)</i>).</p> <p>If a resident living with another resident wishes to conduct electronic monitoring, but the other resident or resident's guardian or attorney in fact refuses to consent, requires the ICF/IID provider to make a reasonable attempt to accommodate the resident wishing to conduct electronic monitoring (<i>R.C. 5124.83(B)(1)</i>).</p> <p>Permits a resident who authorizes the installation and use of an electronic monitoring device or a resident whose consent is required for electronic monitoring to withdraw that authorization or consent at any time (<i>R.C. 5124.82(C) and 5124.83(C)</i>).</p>	<p>Also applies this requirement when a resident lives with other residents in a licensed residential facility that is not divided into units or when the resident lives in a unit of a licensed residential facility that is divided into units (<i>R.C. 5123.1912(A)</i>).</p> <p>Also requires the licensed residential facility to utilize person-centered planning and offer options for both the resident who wishes to conduct electronic monitoring and any other resident or resident's guardian or attorney in fact who does not consent to electronic monitoring (<i>R.C. 5123.1912(B)(1)</i>).</p> <p>Same, but also permits a resident's guardian or attorney in fact to withdraw the authorization or consent at any time (<i>R.C. 5123.1911(C) and 5123.1912(C)</i>).</p>
Facility liability	
If an ICF/IID provider prescribes a form that must be completed by a resident or resident's guardian or attorney in fact, specifies that the form must include a section stating that the ICF/IID provider is released from liability in any civil or criminal action or administrative proceeding for a violation of the resident's right to privacy in connection with installing and using an electronic monitoring device (<i>R.C. 5124.84(E)</i>).	Same, but also generally states that a licensed residential facility is not liable in any civil or criminal action or administrative proceeding for a violation of a resident's right to privacy in connection with the installation and use of an electronic monitoring device, regardless of whether the facility has prescribed a form regarding the installation and use of an electronic monitoring device (<i>R.C. 5123.1914</i>).

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Authorized viewing of images recorded through electronic monitoring	
<p>Specifies that no person other than the resident or resident’s guardian or attorney in fact who authorized the installation and use of an electronic monitoring device may intentionally obstruct, tamper with, or destroy the device or a recording made by the device <i>(R.C. 5124.87(A))</i>.</p> <p>Prohibits a person other than (1) the resident, (2) the resident’s guardian or attorney in fact, or (3) law enforcement personnel from intentionally viewing or listening to the images displayed or sounds recorded by an electronic monitoring device <i>(R.C. 5124.87(B))</i>.</p> <p>Permits a resident or resident’s guardian or attorney in fact to authorize a person to view or listen to the images displayed or sounds recorded by an electronic monitoring device <i>(R.C. 5124.87(C))</i>.</p> <p>No provision.</p>	<p>No provision.</p> <p>Also permits the licensed residential facility and a government entity authorized to investigate allegations of abuse, neglect, or other major unusual incidents that occur at a facility to view or listen to recorded images or sounds <i>(R.C. 5123.1917(A))</i>.</p> <p>Specifies that this authorization is not permitted if the images displayed or sounds recorded contain images or sounds of another resident, unless the authorization is requested from or shared with a government entity authorized to investigate allegations of abuse, neglect, or other major unusual incidents <i>(R.C. 5123.1917(C))</i>.</p> <p>Specifies that if a resident or a resident’s guardian or attorney in fact authorizes another person to view or listen to images or sounds that are of another resident and are not related to a report or investigation as described above, a licensed residential facility may take necessary steps to prevent further viewing or listening, including by terminating services provided to the resident <i>(R.C. 5123.1917(C))</i>.</p>
Developmental disabilities home and community-based services waiver component	
<p>Requires the Department of Medicaid (ODM) to establish a Medicaid waiver that provides home and community-based services to individuals with developmental disabilities <i>(R.C. 5166.201)</i>.</p>	<p>No provision.</p>

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Specifies that the waiver must provide a lump sum payment to parents or other family caregivers for providing home and community-based services to waiver participants at a rate of 90% of the total per Medicaid day payment rate paid to an ICF/IID (<i>R.C. 5166.021</i>).	No provision.
Prohibits ODM from denying participation in the Medicaid waiver to an individual who requires the requisite developmental disabilities level of care, unless ODM determines that the type of care is not a viable, safe, or healthy option for the individual (<i>R.C. 5166.201</i>).	No provision.