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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Legislative Budget  
Office

H.B. 465  
135<sup>th</sup> General Assembly

## Bill Analysis

[Click here for H.B. 465's Fiscal Note](#)

**Version:** As Reported by House Families and Aging

**Primary Sponsor:** Rep. Carruthers

Jason Hoskins, Attorney

### SUMMARY

#### Electronic monitoring in licensed residential facilities

- Permits a licensed residential facility to allow residents to install and use electronic monitoring devices in the resident's room in the facility.
- If a licensed residential facility allows electronic monitoring at the facility, permits a facility resident or the resident's guardian or attorney in fact to authorize the installation and use of an electronic monitoring device in the resident's room, under certain conditions.
- Requires a resident's roommate or other residents in a shared unit of a licensed residential facility to fully or conditionally consent to electronic monitoring.
- Requires a licensed residential facility to make a reasonable attempt to accommodate a resident wishing to use electronic monitoring when the resident's roommate refuses consent by using person-centered planning to offer options for both residents.
- Specifies 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 at the facility.
- Permits a licensed residential facility to post a notice stating that an electronic monitoring device is in use in a particular room.
- Generally prohibits discrimination or retaliation against a resident who authorizes electronic monitoring.

#### Act designation

- Designates the act as "Lauren's Law."

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## DETAILED ANALYSIS

### Electronic monitoring in licensed residential facilities

The bill authorizes a residential facility licensed by the Department of Developmental Disabilities (“licensed residential facility”)<sup>1</sup> to elect to permit residents of the facility to install and use an electronic monitoring device in the resident’s room at the facility.<sup>2</sup> The bill maintains the existing law definition of an “electronic monitoring device” that applies to electronic monitoring in nursing homes. It is defined as “a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof, that is installed in a resident’s room and broadcasts or records activities or sounds occurring in the room.”<sup>3</sup>

The bill prohibits a resident of a licensed residential facility or a resident’s guardian or attorney in fact from installing or using an electronic monitoring device in the resident’s room unless the facility has authorized its residents to conduct electronic monitoring. If a licensed residential facility does authorize residents to conduct electronic monitoring, the installation and use of a device is subject to the bill’s requirements.<sup>4</sup>

#### Conditions

For installation and use of an electronic monitoring device to be authorized, all of the following conditions must be met:<sup>5</sup>

- The resident or the resident’s guardian or attorney in fact must complete a form (see “**Form**,” below) and submit it to the licensed residential facility, if the facility has established and requires such a form to be used;
- The cost of the device and of installing, maintaining, and removing the device (other than the cost of electricity for the device) must be paid by the resident or the resident’s guardian or attorney in fact; and
- If the resident lives with another a resident in a licensed residential facility not divided into units, or lives with other residents in a unit of a facility that is divided into units (i.e., has a roommate or roommates), the roommate or roommate’s guardian or attorney in fact must consent to the use of the electronic monitoring device in the room by completing the specified portion of a form, if such a form is required by the facility.

A resident or resident’s guardian or attorney in fact who has authorized the installation and use of an electronic monitoring device may withdraw that authorization at any time.<sup>6</sup>

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<sup>1</sup> R.C. 5123.1910; R.C. 5123.19(A)(5), not in the bill.

<sup>2</sup> R.C. 5123.1911(A).

<sup>3</sup> R.C. 3721.60, not in the bill.

<sup>4</sup> R.C. 5123.1911(A).

<sup>5</sup> R.C. 5123.1911(B) and (C) and 5123.1912(A).

A roommate or roommate's guardian or attorney in fact also may withdraw consent to the monitoring at any time.<sup>7</sup>

### **Roommate situations**

If a resident wishes to use an electronic monitoring device authorized by the bill, but another resident or resident's guardian or attorney in fact whose consent is required refuses to consent, the licensed residential facility must make a reasonable attempt to accommodate the resident by utilizing person-centered planning to 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. The bill also authorizes a roommate or his or her guardian or attorney in fact to place conditions on consent to the installation and use of electronic monitoring, including pointing the device away from the roommate or limiting or prohibiting the use of certain devices. If conditions are placed on consent, the device must be installed and used according to those conditions.<sup>8</sup>

### **Form**

Under the bill, a licensed residential facility may prescribe a form for use by a resident or a resident's guardian or attorney in fact seeking to authorize the installation and use of an electronic monitoring device in the resident's room. If the facility prescribes such a form, it must, at a minimum, include all of the following:<sup>9</sup>

- An explanation of the electronic monitoring provisions enacted by the bill;
- An acknowledgement that the resident or the resident's guardian or attorney in fact has consented to the installation and use of the device in the resident's room;
- In the case of a resident with a roommate, an acknowledgment that the roommate or roommate's guardian or attorney in fact has consented to the installation and use of the device and a description of any conditions placed on that consent;
- A section for providing the facility with information regarding the type, function, and use of the device to be installed and used; and
- A section stating that the facility 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 using the device, in accordance with the bill's provisions (see "**Liability**," below).

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<sup>6</sup> R.C. 5123.1911(D).

<sup>7</sup> R.C. 5123.1912(C).

<sup>8</sup> R.C. 5123.1912(B).

<sup>9</sup> R.C. 5123.1913.

## **Liability**

The bill specifies that a licensed residential facility 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 the installation and use of an electronic monitoring device at the facility.<sup>10</sup> This release from liability applies regardless of whether the facility has prescribed a form as described above.

## **Notice**

The bill permits a licensed residential facility to post a notice in a conspicuous place at the entrance to a resident's room that contains an electronic device stating that an electronic monitoring device is in use in that room.<sup>11</sup>

## **Prohibitions**

The bill generally prohibits a person or resident from being denied admission to, or being discharged from, a licensed residential facility or otherwise being discriminated or retaliated against because of the decision to authorize the installation and use of an electronic monitoring device in a resident's room in the facility.<sup>12</sup>

Further, the bill prohibits any person other than the resident, the resident's guardian or attorney in fact, law enforcement personnel, the licensed residential facility, or a government entity authorized to investigate allegations of abuse, neglect, or other major unusual incidents that occur at a facility from intentionally viewing or listening to the images displayed or sounds recorded by an electronic monitoring device, unless the person has been authorized to do so by the resident or the resident's guardian or attorney in fact.<sup>13</sup>

The bill prohibits a resident or resident's guardian or attorney in fact from authorizing another person to view or listen to the images displayed or sounds recorded by an electronic monitoring device if the images or sounds are of another resident of the facility, unless the authorization is requested from or shared with a governmental entity that is authorized to investigate allegations of abuse, neglect, or other major unusual incidents. If a resident or resident's guardian or attorney in fact violates this prohibition, a licensed residential facility may take necessary steps to prevent further viewing or listening to the images displayed or sounds recorded by an electronic monitoring device, including by terminating the services provided to the resident.<sup>14</sup>

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<sup>10</sup> R.C. 5123.1914.

<sup>11</sup> R.C. 5123.1915.

<sup>12</sup> R.C. 5123.1916.

<sup>13</sup> R.C. 5123.1917(A) and (B).

<sup>14</sup> R.C. 5123.1917(C)(1) and (2).

## Rules

The bill permits the Director of Developmental Disabilities to adopt rules as necessary to implement the bill's provisions. The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119).<sup>15</sup>

## Act designation

The bill is designated as "Lauren's Law."<sup>16</sup>

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## HISTORY

Action	Date
Introduced	03-27-24
Reported, H. Families and Aging	06-25-24

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<sup>15</sup> R.C. 5123.1918.

<sup>16</sup> Section 3.