

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 465**

**Representative Carruthers**

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**A BILL**

To enact sections 5124.81, 5124.82, 5124.83, 1  
5124.84, 5124.85, 5124.86, 5124.87, 5124.88, and 2  
5166.201 of the Revised Code to permit a 3  
resident of an ICF/IID to conduct electronic 4  
monitoring of the resident's room, to establish 5  
a new Medicaid home and community-based services 6  
waiver for individuals with developmental 7  
disabilities, and to name this act Lauren's Law. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 5124.81, 5124.82, 5124.83, 9  
5124.84, 5124.85, 5124.86, 5124.87, 5124.88, and 5166.201 of the 10  
Revised Code be enacted to read as follows: 11

**Sec. 5124.81.** As used in sections 5124.81 to 5124.88 of 12  
the Revised Code: 13

"Attorney in fact" and "electronic monitoring device" have 14  
the same meanings as in section 3721.60 of the Revised Code. 15

"Guardian" has the same meaning as in section 2111.01 of 16  
the Revised Code. 17

"Resident" means an individual who resides in an ICF/IID. 18

Sec. 5124.82. (A) Subject to section 5124.83 of the 19  
Revised Code, a resident or a resident's guardian or attorney in 20  
fact may authorize the installation and use of an electronic 21  
monitoring device in the resident's room in an ICF/IID. 22

(B) The installation and use of an electronic monitoring 23  
device may be authorized only if both of the following 24  
conditions are met: 25

(1) If an ICF/IID provider has prescribed a form described 26  
in section 5124.84 of the Revised Code and the resident or 27  
resident's guardian or attorney in fact completes the form and 28  
submits it to the provider; 29

(2) The cost of the device and the cost of installing, 30  
maintaining, and removing the device, other than the cost of 31  
electricity for the device, is paid for by the resident or the 32  
resident's guardian or attorney in fact. 33

(C) A resident who has authorized the installation and use 34  
of an electronic monitoring device may withdraw that 35  
authorization at any time. 36

Sec. 5124.83. (A) If a resident wishing to conduct 37  
authorized electronic monitoring of the resident's room lives 38  
with another resident in an ICF/IID, the consent of the other 39  
resident or the other resident's guardian or attorney in fact to 40  
the installation and use of an electronic monitoring device in 41  
the room is required before any installation or use of such a 42  
device may occur. If an ICF/IID provider has prescribed a form 43  
described in section 5124.84 of the Revised Code, the other 44  
resident or other resident's guardian or attorney in fact shall 45  
consent by completing the relevant part of the form. 46

(B) (1) If a resident living in a room with another 47

resident wishes to conduct authorized electronic monitoring of 48  
the resident's room, but the other resident or other resident's 49  
guardian or attorney in fact refuses to consent to the 50  
installation and use of an electronic monitoring device, the 51  
ICF/IID provider shall make a reasonable attempt to accommodate 52  
the resident wishing to conduct authorized electronic monitoring 53  
by moving either resident to another available room with the 54  
consent of the resident being moved or resident's guardian or 55  
attorney in fact. 56

(2) In the case of a resident living in a room with 57  
another resident, the other resident or other resident's 58  
guardian or attorney in fact may place conditions on any consent 59  
to the installation and use of an electronic monitoring device, 60  
including conditions such as pointing the device away from the 61  
other resident or limiting or prohibiting the use of certain 62  
devices. If conditions are placed on consent, the device shall 63  
be installed and used according to those conditions. 64

(C) A resident whose consent is required under this 65  
section may withdraw that consent at any time. 66

**Sec. 5124.84.** An ICF/IID provider may prescribe a form for 67  
use by a resident or resident's guardian or attorney in fact 68  
seeking to authorize the installation and use of an electronic 69  
monitoring device in the resident's room in an ICF/IID. If an 70  
ICF/IID provider prescribes a form, it shall, at a minimum, 71  
include all of the following: 72

(A) An explanation of sections 5124.81 to 5124.88 of the 73  
Revised Code; 74

(B) An acknowledgment that the resident or resident's 75  
guardian or attorney in fact has consented to the installation 76

and use of the device in the resident's room; 77

(C) In the case of a resident who lives in a room with 78  
another resident, an acknowledgment that the other resident or 79  
other resident's guardian or attorney in fact has consented to 80  
the installation and use of the device and a description of any 81  
conditions placed on that consent pursuant to division (B) (2) of 82  
section 5124.82 of the Revised Code; 83

(D) A section for providing the ICF/IID provider with 84  
information regarding the type, function, and use of the device 85  
to be installed and used; 86

(E) A section stating that the ICF/IID provider is 87  
released from liability in any civil or criminal action or 88  
administrative proceeding for a violation of the resident's 89  
right to privacy in connection with using the device. 90

**Sec. 5124.85.** An ICF/IID provider may post a notice in a 91  
conspicuous place at the entrance to a resident's room with an 92  
electronic monitoring device stating that an electronic 93  
monitoring device is in use in that room. 94

**Sec. 5124.86.** No person or resident shall be denied 95  
admission to or discharged from an ICF/IID or otherwise 96  
discriminated or retaliated against because of the decision to 97  
authorize the installation and use of an electronic monitoring 98  
device in a resident's room in the ICF/IID. 99

**Sec. 5124.87.** (A) No person other than the resident or 100  
resident's guardian or attorney in fact who authorized the 101  
installation and use of an electronic monitoring device in the 102  
resident's room in an ICF/IID shall intentionally obstruct, 103  
tamper with, or destroy the device or a recording made by the 104  
device. 105

(B) Except as provided in division (C) of this section, no person other than the following shall intentionally view or listen to the images displayed or sounds recorded by an electronic monitoring device installed in a resident's room: 106  
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(1) The resident; 110

(2) The resident's guardian or attorney in fact; 111

(3) Law enforcement personnel. 112

(C) A resident or resident's guardian or attorney in fact may authorize a person to view or listen to the images displayed or sounds recorded by an electronic monitoring device installed in a resident's room. 113  
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**Sec. 5124.88.** The director of developmental disabilities may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5124.81 to 5124.87 of the Revised Code. 117  
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**Sec. 5166.201.** (A) The department of medicaid shall establish a medicaid waiver component that provides home and community-based services to individuals with developmental disabilities. The waiver component shall satisfy all of the following requirements: 121  
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(1) The waiver component shall be available to individuals who have a developmental disabilities level of care determination from the department of developmental disabilities, indicating the individual needs a level of care required for admission to an ICF/IID or enrollment in home and community-based services. 126  
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(2) The waiver component shall provide a monthly lump sum payment to parents or other family caregivers of waiver 132  
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participants for providing home and community-based services to 134  
the waiver participant. A parent or other family caregiver may 135  
receive payment for services provided regardless of the age of 136  
the waiver participant. 137

(3) Monthly lump sum payments provided under the waiver 138  
component shall be used by a parent or other family caregiver 139  
for either of the following: 140

(a) Payment for home and community-based services provided 141  
by the parent or caregiver to the waiver participant; 142

(b) Payment for home and community-based services provided 143  
to the waiver participant by a third-party provider selected by 144  
a parent or other family caregiver or by the waiver participant. 145

(4) The monthly lump sum payment provided under the waiver 146  
component shall equal ninety per cent of the total per medicaid 147  
day payment rate that the department of developmental 148  
disabilities pays to an ICF/IID provider under Chapter 5124. of 149  
the Revised Code. 150

(5) The department shall not deny participation in the 151  
medicaid waiver component to an individual who meets the 152  
criteria of division (A)(1) of this section, unless the 153  
department determines that home and community-based care is not 154  
a viable, safe, or healthy option for the individual. 155

(B) The department of medicaid, in collaboration with the 156  
department of developmental disabilities, shall adopt rules as 157  
necessary to implement the medicaid waiver component described 158  
in this section. 159

(C) Before creating the medicaid waiver component under 160  
this section, the department of medicaid shall seek, accept, and 161  
consider public comment. 162

**Section 2.** This act shall be known as Lauren's Law.

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