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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 58  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 58's Bill Analysis](#)

**Version:** As Enacted

**Primary Sponsors:** Sens. Antonio and Brenner

**Local Impact Statement Procedure Required:** No

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### Highlights

- The Ohio Department of Health (ODH) may experience a minimal increase in costs if any rules are promulgated. It is also possible that facility survey costs could increase in order to ensure electronic monitoring regulations are being followed and to investigate any associated complaints.
- County-owned nursing homes may incur electricity costs if any residents choose to install an electronic monitoring device in their room. There may also be minimal costs to post notice of the devices outside of a resident's room and to prescribe the authorization form.

### Detailed Analysis

#### Electronic monitoring

The bill allows a long-term care facility resident or a resident's guardian or attorney in fact to authorize the installation and use of an electronic monitoring device in the resident's room. The bill specifies that the resident or guardian or attorney in fact may authorize the use of an electronic monitoring device if both of the following conditions are met: (1) if a long-term care facility has prescribed a form, the resident or resident's guardian or attorney in fact completes the form and submits it to the facility and (2) the device, installation, maintenance, and removal costs are covered by the resident or guardian or attorney in fact, with the exception of electricity costs. If the resident lives with a roommate, the roommate or his or her guardian or attorney in fact must consent to the use of the electronic monitoring device in the room by completing the form, if the facility has prescribed a form. If the roommate or the roommate's guardian or attorney in fact refuses to consent, the long-term care facility must make a reasonable attempt to accommodate the resident by moving either resident to an available room, with the consent of the resident being moved or the resident's guardian or attorney in fact. The bill also allows a

roommate or his or her guardian or attorney in fact to place conditions on consent. The facility may post a notice at the entrance of a resident's room stating that an electronic monitoring device is in use in that room.

Each long-term care facility may prescribe a form for use by a resident or resident's guardian or attorney in fact seeking to authorize the installation and use of an electronic monitoring device in the resident's room. Additionally, the bill permits the Ohio Department of Health (ODH) to adopt rules related to the provisions of the bill. The bill also specifies that provisions do not apply if an electronic monitoring device is installed by a law enforcement agency and used solely for a bona fide law enforcement purpose.

### **Fiscal impact**

County-owned nursing homes could incur electricity costs if any residents choose to install a device in their room. County nursing homes may also incur minimal costs to post notice of the devices outside of a resident's room and to prescribe the authorization form. In addition, staff time may be necessary if the facility needs to make any accommodations to satisfy a roommate who does not consent to a device's use or to ensure conditions are met.

ODH may experience some costs if they choose to promulgate rules. In addition, ODH is responsible for conducting surveys of facilities for compliance with state and federal rules and regulations and investigating complaints. It is possible that ODH could realize additional costs to ensure that electronic monitoring regulations are being followed and to investigate any complaints received.

### **Prohibitions**

The bill prohibits a person or resident from being denied admission to, or being discharged from, a long-term care 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. A person who violates this prohibition must be fined \$100 for a first offense and \$500 for each subsequent offense.

The bill also prohibits any person other than the resident or resident's guardian or attorney in fact who authorized the installation and use of an electronic monitoring device in the resident's room from intentionally obstructing, tampering with, or destroying the device or a recording made by the device. A person who violates this prohibition is guilty of tampering with an electronic monitoring device, a misdemeanor of the first degree.

Additionally, the bill prohibits any person other than the resident, the resident's guardian or attorney in fact, or law enforcement personnel, from intentionally viewing or listening to the images displayed or sounds recorded by an electronic monitoring device installed in a resident's room. However, a resident or resident's guardian or attorney in fact may authorize a person to do so.

### **Fiscal impact**

LBO staff assumes that any fines would be deposited into ODH's General Operations Fund (Fund 4700). The amount collected would depend on the number of violations. For violations regarding the tampering of an electronic monitoring device, there may be increased caseloads for local courts; however, related costs may be partially offset by court costs or fines. However, LBO staff assume that the number of cases would be few in number.