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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 461  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 461's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsor:** Rep. Brent

**Local Impact Statement Procedure Required:** No

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### Highlights

- The Ohio Department of Health (ODH) may experience an increase in costs to establish a program to assist residents of long-term care facilities who are eligible for Medicaid with purchasing electronic monitoring devices. However, the bill establishes a \$50,000 appropriation from the General Revenue Fund in both FY 2020 and FY 2021 to provide the financial assistance to eligible applicants.
- ODH may also experience an increase in costs to create the required consent form and to promulgate rules. 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 report to ODH on the number of devices that are in use at the facility.
- Local courts may experience increased caseloads for violations regarding the tampering of an electronic monitoring device; however, related costs may be partially offset by court costs or fines.

### Detailed Analysis

#### Electronic monitoring

The bill allows a resident or a resident's sponsor of a long-term care facility to authorize the installation and use of an electronic monitoring device in the resident's room. The bill specifies that the resident or sponsor may authorize the use of an electronic monitoring device if the consent form to be prescribed by the Ohio Department of Health (ODH) is completed and

turned in to the facility and if installation, maintenance, and removal costs are covered by the resident or sponsor, with the exception of electricity costs. The bill specifies that the device must utilize two-factor authentication to prevent an individual who has not authorized the installation and use of the device from tampering with it. If the resident lives with a roommate, the roommate or his or her sponsor must consent to the use of the electronic monitoring device in the room by completing the required form. If the roommate or the roommate's sponsor refuses to consent, the long-term care facility must make a reasonable attempt to accommodate the resident by moving either the resident or the roommate to an available room. The facility is required to 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 is required to submit an annual report to ODH detailing the number of authorized electronic monitoring devices that are in use in residents' rooms at the facility. Additionally, the bill requires ODH to adopt rules related to the provisions of the bill.

### **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 report to ODH on the number of devices that are in use at the facility. 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.

ODH may experience some costs related to rule promulgation and to prescribe the required form. 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.

### **Financial assistance**

The bill also requires ODH to establish a program to assist residents of long-term care facilities who are eligible for Medicaid with purchasing electronic monitoring devices. An eligible resident must apply to ODH for assistance in the manner prescribed by the Department.

The bill appropriates \$50,000 in both FY 2020 and FY 2021 in GRF appropriation item 440531, Electronic Monitoring, within the Department of Health's budget. The funds must be used for the purchase and installation of authorized electronic monitoring devices for Medicaid-eligible residents of long-term care facilities.

### **Fiscal impact**

ODH may experience an increase in costs to establish the program; however, costs to provide financial assistance to Medicaid-eligible applicants will be covered by the appropriation that the bill establishes.

### **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 sponsor 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.

### **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.