

**As Reported by the House Families and Aging Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 465**

**Representative Carruthers**

**Cosponsor: Representative Schmidt**

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**A BILL**

To amend section 5123.01 and to enact sections 1  
5123.1910, 5123.1911, 5123.1912, 5123.1913, 2  
5123.1914, 5123.1915, 5123.1916, 5123.1917, and 3  
5123.1918 of the Revised Code to permit a 4  
resident of a licensed residential facility to 5  
conduct electronic monitoring of the resident's 6  
room and to name this act Lauren's Law. 7

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

**Section 1.** That section 5123.01 be amended and sections 8  
5123.1910, 5123.1911, 5123.1912, 5123.1913, 5123.1914, 9  
5123.1915, 5123.1916, 5123.1917, and 5123.1918 of the Revised 10  
Code be enacted to read as follows: 11

**Sec. 5123.01.** As used in this chapter: 12

(A) "Chief medical officer" means the licensed physician 13  
appointed by the managing officer of an institution for persons 14  
with intellectual disabilities with the approval of the director 15  
of developmental disabilities to provide medical treatment for 16  
residents of the institution. 17

(B) "Chief program director" means a person with special 18

training and experience in the diagnosis and management of 19  
persons with developmental disabilities, certified according to 20  
division (C) of this section in at least one of the designated 21  
fields, and appointed by the managing officer of an institution 22  
for persons with intellectual disabilities with the approval of 23  
the director to provide habilitation and care for residents of 24  
the institution. 25

(C) "Comprehensive evaluation" means a study, including a 26  
sequence of observations and examinations, of a person leading 27  
to conclusions and recommendations formulated jointly, with 28  
dissenting opinions if any, by a group of persons with special 29  
training and experience in the diagnosis and management of 30  
persons with developmental disabilities, which group shall 31  
include individuals who are professionally qualified in the 32  
fields of medicine, psychology, and social work, together with 33  
such other specialists as the individual case may require. 34

(D) "Education" means the process of formal training and 35  
instruction to facilitate the intellectual and emotional 36  
development of residents. 37

(E) "Habilitation" means the process by which the staff of 38  
the institution assists the resident in acquiring and 39  
maintaining those life skills that enable the resident to cope 40  
more effectively with the demands of the resident's own person 41  
and of the resident's environment and in raising the level of 42  
the resident's physical, mental, social, and vocational 43  
efficiency. Habilitation includes but is not limited to programs 44  
of formal, structured education and training. 45

(F) "Health officer" means any public health physician, 46  
public health nurse, or other person authorized or designated by 47  
a city or general health district. 48

(G) "Home and community-based services" means medicaid- 49  
funded home and community-based services specified in division 50  
(A) (1) of section 5166.20 of the Revised Code provided under the 51  
medicaid waiver components the department of developmental 52  
disabilities administers pursuant to section 5166.21 of the 53  
Revised Code. Except as provided in section 5123.0412 of the 54  
Revised Code, home and community-based services provided under 55  
the medicaid waiver component known as the transitions 56  
developmental disabilities waiver are to be considered to be 57  
home and community-based services for the purposes of this 58  
chapter, and Chapters 5124. and 5126. of the Revised Code, only 59  
to the extent, if any, provided by the contract required by 60  
section 5166.21 of the Revised Code regarding the waiver. 61

(H) "ICF/IID" and "ICF/IID services" have the same 62  
meanings as in section 5124.01 of the Revised Code. 63

(I) "Indigent person" means a person who is unable, 64  
without substantial financial hardship, to provide for the 65  
payment of an attorney and for other necessary expenses of legal 66  
representation, including expert testimony. 67

(J) "Institution" means a public or private facility, or a 68  
part of a public or private facility, that is licensed by the 69  
appropriate state department and is equipped to provide 70  
residential habilitation, care, and treatment for persons with 71  
intellectual disabilities. 72

(K) "Licensed physician" means a person who holds a valid 73  
license issued under Chapter 4731. of the Revised Code 74  
authorizing the person to practice medicine and surgery or 75  
osteopathic medicine and surgery, or a medical officer of the 76  
government of the United States while in the performance of the 77  
officer's official duties. 78

(L) "Managing officer" means a person who is appointed by 79  
the director of developmental disabilities to be in executive 80  
control of an institution under the jurisdiction of the 81  
department of developmental disabilities. 82

(M) "Medicaid case management services" means case 83  
management services provided to an individual with a 84  
developmental disability that the state medicaid plan requires. 85

(N) "Intellectual disability" means a disability 86  
characterized by having significantly subaverage general 87  
intellectual functioning existing concurrently with deficiencies 88  
in adaptive behavior, manifested during the developmental 89  
period. 90

(O) "Person with an intellectual disability subject to 91  
institutionalization by court order" means a person eighteen 92  
years of age or older with at least a moderate level of 93  
intellectual disability and in relation to whom, because of the 94  
person's disability, either of the following conditions exists: 95

(1) The person represents a very substantial risk of 96  
physical impairment or injury to self as manifested by evidence 97  
that the person is unable to provide for and is not providing 98  
for the person's most basic physical needs and that provision 99  
for those needs is not available in the community; 100

(2) The person needs and is susceptible to significant 101  
habilitation in an institution. 102

(P) "Moderate level of intellectual disability" means the 103  
condition in which a person, following a comprehensive 104  
evaluation, is found to have at least moderate deficits in 105  
overall intellectual functioning, as indicated by a full-scale 106  
intelligence quotient test score of fifty-five or below, and at 107

least moderate deficits in adaptive behavior, as determined in 108  
accordance with the criteria established in the fifth edition of 109  
the diagnostic and statistical manual of mental disorders 110  
published by the American psychiatric association. 111

(Q) "Developmental disability" means a severe, chronic 112  
disability that is characterized by all of the following: 113

(1) It is attributable to a mental or physical impairment 114  
or a combination of mental and physical impairments, other than 115  
a mental or physical impairment solely caused by mental illness, 116  
as defined in division (A) of section 5122.01 of the Revised 117  
Code. 118

(2) It is manifested before age twenty-two. 119

(3) It is likely to continue indefinitely. 120

(4) It results in one of the following: 121

(a) In the case of a person under three years of age, at 122  
least one developmental delay, as defined in rules adopted under 123  
section 5123.011 of the Revised Code, or a diagnosed physical or 124  
mental condition that has a high probability of resulting in a 125  
developmental delay, as defined in those rules; 126

(b) In the case of a person at least three years of age 127  
but under six years of age, at least two developmental delays, 128  
as defined in rules adopted under section 5123.011 of the 129  
Revised Code; 130

(c) In the case of a person six years of age or older, a 131  
substantial functional limitation in at least three of the 132  
following areas of major life activity, as appropriate for the 133  
person's age: self-care, receptive and expressive language, 134  
learning, mobility, self-direction, capacity for independent 135

living, and, if the person is at least sixteen years of age, 136  
capacity for economic self-sufficiency. 137

(5) It causes the person to need a combination and 138  
sequence of special, interdisciplinary, or other type of care, 139  
treatment, or provision of services for an extended period of 140  
time that is individually planned and coordinated for the 141  
person. 142

"Developmental disability" includes intellectual 143  
disability. 144

(R) "State institution" means an institution that is tax- 145  
supported and under the jurisdiction of the department of 146  
developmental disabilities. 147

(S) "Residence" and "legal residence" have the same 148  
meaning as "legal settlement," which is acquired by residing in 149  
Ohio for a period of one year without receiving general 150  
assistance prior to July 17, 1995, under former Chapter 5113. of 151  
the Revised Code, without receiving financial assistance prior 152  
to December 31, 2017, under former Chapter 5115. of the Revised 153  
Code, or assistance from a private agency that maintains records 154  
of assistance given. A person having a legal settlement in the 155  
state shall be considered as having legal settlement in the 156  
assistance area in which the person resides. No adult person 157  
coming into this state and having a spouse or minor children 158  
residing in another state shall obtain a legal settlement in 159  
this state as long as the spouse or minor children are receiving 160  
public assistance, care, or support at the expense of the other 161  
state or its subdivisions. For the purpose of determining the 162  
legal settlement of a person who is living in a public or 163  
private institution or in a home subject to licensing by the 164  
department of job and family services, the department of mental 165

health and addiction services, or the department of 166  
developmental disabilities, the residence of the person shall be 167  
considered as though the person were residing in the county in 168  
which the person was living prior to the person's entrance into 169  
the institution or home. Settlement once acquired shall continue 170  
until a person has been continuously absent from Ohio for a 171  
period of one year or has acquired a legal residence in another 172  
state. A woman who marries a man with legal settlement in any 173  
county immediately acquires the settlement of her husband. The 174  
legal settlement of a minor is that of the parents, surviving 175  
parent, sole parent, parent who is designated the residential 176  
parent and legal custodian by a court, other adult having 177  
permanent custody awarded by a court, or guardian of the person 178  
of the minor, provided that: 179

(1) A minor female who marries shall be considered to have 180  
the legal settlement of her husband and, in the case of death of 181  
her husband or divorce, she shall not thereby lose her legal 182  
settlement obtained by the marriage. 183

(2) A minor male who marries, establishes a home, and who 184  
has resided in this state for one year without receiving general 185  
assistance prior to July 17, 1995, under former Chapter 5113. of 186  
the Revised Code or assistance from a private agency that 187  
maintains records of assistance given shall be considered to 188  
have obtained a legal settlement in this state. 189

(3) The legal settlement of a child under eighteen years 190  
of age who is in the care or custody of a public or private 191  
child caring agency shall not change if the legal settlement of 192  
the parent changes until after the child has been in the home of 193  
the parent for a period of one year. 194

No person, adult or minor, may establish a legal 195

settlement in this state for the purpose of gaining admission to 196  
any state institution. 197

(T) (1) "Resident" means, subject to division (T) (2) of 198  
this section and except as provided in section 5123.1910 of the 199  
Revised Code, a person who is admitted either voluntarily or 200  
involuntarily to an institution or other facility pursuant to 201  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 202  
Code subsequent to a finding of not guilty by reason of insanity 203  
or incompetence to stand trial or under this chapter who is 204  
under observation or receiving habilitation and care in an 205  
institution. 206

(2) "Resident" does not include a person admitted to an 207  
institution or other facility under section 2945.39, 2945.40, 208  
2945.401, or 2945.402 of the Revised Code to the extent that the 209  
reference in this chapter to resident, or the context in which 210  
the reference occurs, is in conflict with any provision of 211  
sections 2945.37 to 2945.402 of the Revised Code. 212

(U) "Respondent" means the person whose detention, 213  
commitment, or continued commitment is being sought in any 214  
proceeding under this chapter. 215

(V) "Working day" and "court day" mean Monday, Tuesday, 216  
Wednesday, Thursday, and Friday, except when such day is a legal 217  
holiday. 218

(W) "Prosecutor" means the prosecuting attorney, village 219  
solicitor, city director of law, or similar chief legal officer 220  
who prosecuted a criminal case in which a person was found not 221  
guilty by reason of insanity, who would have had the authority 222  
to prosecute a criminal case against a person if the person had 223  
not been found incompetent to stand trial, or who prosecuted a 224



case in which a person was found guilty. 225

(X) "Court" means the probate division of the court of 226  
common pleas. 227

(Y) "Supported living" and "residential services" have the 228  
same meanings as in section 5126.01 of the Revised Code. 229

Sec. 5123.1910. As used in sections 5123.1910 to 5123.1918 230  
of the Revised Code: 231

"Attorney in fact" and "electronic monitoring device" have 232  
the same meanings as in section 3721.60 of the Revised Code. 233

"Guardian" has the same meaning as in section 2111.01 of 234  
the Revised Code. 235

"Licensed residential facility" means a residential 236  
facility, as defined in section 5123.19 of the Revised Code, 237  
that holds a license issued under that section. 238

"Resident" means an individual who resides in a licensed 239  
residential facility. 240

Sec. 5123.1911. (A) A licensed residential facility may 241  
elect to permit facility residents to install and use electronic 242  
monitoring devices in a resident's room in the facility. If a 243  
facility permits residents to install and use electronic 244  
monitoring devices, the installation and use of an electronic 245  
monitoring device is subject to this section and sections 246  
5123.1912 to 5123.1917 of the Revised Code. No resident or a 247  
resident's guardian or attorney in fact shall install or use an 248  
electronic monitoring device in a resident's room in a licensed 249  
residential facility unless the facility has permitted the use 250  
of electronic monitoring devices under this section. 251

(B) Subject to division (A) of this section and section 252

5123.1912 of the Revised Code, a resident or a resident's 253  
guardian or attorney in fact may authorize the installation and 254  
use of an electronic monitoring device in the resident's room in 255  
a licensed residential facility. 256

(C) The installation and use of an electronic monitoring 257  
device may be authorized only if both of the following 258  
conditions are met: 259

(1) If a licensed residential facility has prescribed a 260  
form described in section 5123.1913 of the Revised Code and the 261  
resident or resident's guardian or attorney in fact completes 262  
the form and submits it to the provider; 263

(2) The cost of the device and the cost of installing, 264  
maintaining, and removing the device, other than the cost of 265  
electricity for the device, is paid for by the resident or the 266  
resident's guardian or attorney in fact. 267

(D) A resident or a resident's guardian or attorney in 268  
fact who has authorized the installation and use of an 269  
electronic monitoring device may withdraw that authorization at 270  
any time. 271

**Sec. 5123.1912.** (A) If a resident wishing to conduct 272  
authorized electronic monitoring of the resident's room lives 273  
with other residents in a licensed residential facility that is 274  
not divided into units or lives with other residents in a unit 275  
of a licensed residential facility that is divided into units, 276  
the consent of the other residents or the other residents' 277  
guardians or attorneys in fact to the installation and use of an 278  
electronic monitoring device in the room is required before any 279  
installation or use of such a device may occur. If a licensed 280  
residential facility has prescribed a form described in section 281

5123.1913 of the Revised Code, the other residents or other 282  
residents' guardians or attorneys in fact shall consent by 283  
completing the relevant part of the form. 284

(B)(1) If a resident wishes to conduct authorized 285  
electronic monitoring of the resident's room, but another 286  
resident or resident's guardian or attorney in fact refuses to 287  
consent to the installation and use of an electronic monitoring 288  
device under division (A) of this section, the licensed 289  
residential facility shall make a reasonable attempt to 290  
accommodate the resident wishing to conduct authorized 291  
electronic monitoring by utilizing person-centered planning to 292  
offer options for both the resident who wishes to conduct 293  
electronic monitoring and any other resident or resident's 294  
guardian or attorney in fact who does not consent to electronic 295  
monitoring. 296

(2) Another resident of the licensed residential facility 297  
or unit or resident's guardian or attorney in fact may place 298  
conditions on any consent to the installation and use of an 299  
electronic monitoring device, including conditions such as 300  
pointing the device away from another resident or limiting or 301  
prohibiting the use of certain devices. If conditions are placed 302  
on consent, the device shall be installed and used according to 303  
those conditions. 304

(C) A resident or a resident's guardian or attorney in 305  
fact whose consent is required under this section may withdraw 306  
that consent at any time. 307

**Sec. 5123.1913.** A licensed residential facility may 308  
prescribe a form for use by a resident or resident's guardian or 309  
attorney in fact seeking to authorize the installation and use 310  
of an electronic monitoring device in the resident's room in a 311

licensed residential facility. If a licensed residential 312  
facility prescribes a form, it shall, at a minimum, include all 313  
of the following: 314

(A) An explanation of sections 5123.1910 to 5123.1917 of 315  
the Revised Code; 316

(B) An acknowledgment that the resident or resident's 317  
guardian or attorney in fact has consented to the installation 318  
and use of the device in the resident's room; 319

(C) An acknowledgment that another resident of the 320  
licensed residential facility or unit or resident's guardian or 321  
attorney in fact has consented to the installation and use of 322  
the device in accordance with division (A) of section 5123.1912 323  
of the Revised Code, and a description of any conditions placed 324  
on that consent pursuant to division (B) (2) of section 5123.1912 325  
of the Revised Code; 326

(D) A section for providing the licensed residential 327  
facility with information regarding the type, function, and use 328  
of the device to be installed and used; 329

(E) A section stating that, in accordance with section 330  
5123.1914 of the Revised Code, the licensed residential facility 331  
is released from liability in any civil or criminal action or 332  
administrative proceeding for a violation of a resident's right 333  
to privacy in connection with using the device. 334

**Sec. 5123.1914.** A licensed residential facility is not 335  
liable in any civil or criminal action or administrative 336  
proceeding for a violation of a resident's right to privacy in 337  
connection with the installation and use of an electronic 338  
monitoring device in the facility. 339

**Sec. 5123.1915.** A licensed residential facility may post a 340

notice in a conspicuous place at the entrance to a resident's 341  
room with an electronic monitoring device stating that an 342  
electronic monitoring device is in use in that room. 343

**Sec. 5123.1916.** Except as provided in section 5123.1917 of 344  
the Revised Code, no person or resident shall be denied 345  
admission to or discharged from a licensed residential facility 346  
or otherwise discriminated or retaliated against because of the 347  
decision to authorize the installation and use of an electronic 348  
monitoring device in a resident's room in the licensed 349  
residential facility. 350

**Sec. 5123.1917.** (A) Except as provided in division (B) of 351  
this section, no person other than the following shall 352  
intentionally view or listen to the images or sounds displayed, 353  
transmitted, or recorded by an electronic monitoring device 354  
installed in a resident's room: 355

(1) The resident; 356

(2) The resident's guardian or attorney in fact; 357

(3) Law enforcement personnel; 358

(4) The licensed residential facility; 359

(5) A government entity authorized to investigate 360  
allegations of abuse, neglect, or other major unusual incidents 361  
that occur at a licensed residential facility. 362

(B) Subject to division (C) of this section, a resident or 363  
resident's guardian or attorney in fact may authorize a person 364  
to view or listen to the images displayed or sounds recorded by 365  
an electronic monitoring device installed in a resident's room. 366

(C) (1) A resident or resident's guardian or attorney in 367  
fact shall not authorize a person to view or listen to the 368

images displayed or sounds recorded by an electronic monitoring 369  
device under division (B) of this section if the images 370  
displayed or sounds recorded contain images or sounds of another 371  
resident of the licensed residential facility, unless the 372  
authorization is requested from or shared with a governmental 373  
entity authorized to investigate allegations of abuse, neglect, 374  
or other major unusual incidents. 375

(2) If a resident or resident's guardian or attorney in 376  
fact violates division (C)(1) of this section, a licensed 377  
residential facility may take necessary steps to prevent further 378  
viewing or listening to the images displayed or sounds recorded 379  
by an electronic monitoring device in violation of this section, 380  
including by terminating the services provided to the resident. 381

**Sec. 5123.1918.** The director of developmental disabilities 382  
may adopt rules in accordance with Chapter 119. of the Revised 383  
Code as necessary to implement sections 5123.1910 to 5123.1917 384  
of the Revised Code. 385

**Section 2.** That existing section 5123.01 of the Revised 386  
Code is hereby repealed. 387

**Section 3.** This act shall be known as Lauren's Law. 388