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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

**S.B. 154**  
**(1\_136\_0293-1)**  
**136<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 154's Bill Analysis](#)

**Version:** In Senate Health

**Primary Sponsor:** Sen. Ingram

**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 possible there could be some minimal costs to ensure electronic monitoring regulations are being followed and to investigate any associated complaints.

### **Detailed Analysis**

#### **Electronic monitoring**

The bill expands the types of long-term care facilities where an electronic monitoring device may be installed in a resident's room under certain conditions to include residential care facilities. Currently, only nursing homes or facilities that are Medicare- or Medicaid-certified as a skilled nursing facility or nursing facility are permitted to allow electronic monitoring devices. The bill permits the resident of a long-term care facility or attorney-in-fact to select an electronic monitoring device, and the bill prohibits a long-term care facility from banning the use of electronic monitoring devices with two-way audio and video communication abilities. However, the bill specifies that an electronic monitoring device selected must be compatible with the internet access infrastructure and security protocols of the facility. Additionally, the bill requires a long-term care facility to provide internet access, to the extent internet access is available to the facility, to a resident who wishes to have electronic monitoring. However, the bill prohibits a long-term care facility from charging a fee to a resident for the installation or expansion of the facility's initial internet infrastructure.

The bill permits a long-term care facility to charge a fee for electronic monitoring device installation or internet connection. The installation fee may not exceed the cost of time and materials involved in installing the electronic monitoring device, and, for residents of a nursing

home who receive Medicaid benefits or residents of a residential care facility who are enrolled in the Medicaid-funded component of the Assisted Living Program, the fee may not be more than 10% of the resident's monthly personal needs allowance.

The bill permits a long-term care facility to choose to provide an electronic monitoring device to a resident if the resident or the resident's guardian or attorney-in-fact authorizes its installation, and requires a long-term care facility that chooses to provide an electronic monitoring device to respect the resident's guardian's or attorney-in-fact's preference for a fixed position video camera, an audio recording device, or a combination thereof. The bill prohibits a long-term care facility that chooses to provide an electronic monitoring device to a resident from charging a fee for the installation and use of the device, including any fee to provide an internet connection.

### **Fiscal impact**

The Ohio Department of Health (ODH) may experience some costs if any rules are promulgated. 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.

If the long-term care facility chooses to provide a device, the costs will be the responsibility of the facility; otherwise, residents will be charged a fee as specified above to help offset costs.