

**As Introduced**

**135th General Assembly**

**Regular Session**

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**H. B. No. 337**

**Representatives Sweeney, Manning**

**Cosponsors: Representatives Brennan, Denson, Lightbody, Miller, A., Miller, J.,  
Weinstein, Carruthers, Hillyer, Klopfenstein, Ray, White**

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**A BILL**

To amend sections 5123.01 and 5126.01 of the 1  
Revised Code to recognize Prader-Willi syndrome 2  
as a developmental disability. 3

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

**Section 1.** That sections 5123.01 and 5126.01 of the 4  
Revised Code be amended to read as follows: 5

**Sec. 5123.01.** As used in this chapter: 6

(A) "Chief medical officer" means the licensed physician 7  
appointed by the managing officer of an institution for persons 8  
with intellectual disabilities with the approval of the director 9  
of developmental disabilities to provide medical treatment for 10  
residents of the institution. 11

(B) "Chief program director" means a person with special 12  
training and experience in the diagnosis and management of 13  
persons with developmental disabilities, certified according to 14  
division (C) of this section in at least one of the designated 15  
fields, and appointed by the managing officer of an institution 16  
for persons with intellectual disabilities with the approval of 17

the director to provide habilitation and care for residents of 18  
the institution. 19

(C) "Comprehensive evaluation" means a study, including a 20  
sequence of observations and examinations, of a person leading 21  
to conclusions and recommendations formulated jointly, with 22  
dissenting opinions if any, by a group of persons with special 23  
training and experience in the diagnosis and management of 24  
persons with developmental disabilities, which group shall 25  
include individuals who are professionally qualified in the 26  
fields of medicine, psychology, and social work, together with 27  
such other specialists as the individual case may require. 28

(D) "Education" means the process of formal training and 29  
instruction to facilitate the intellectual and emotional 30  
development of residents. 31

(E) "Habilitation" means the process by which the staff of 32  
the institution assists the resident in acquiring and 33  
maintaining those life skills that enable the resident to cope 34  
more effectively with the demands of the resident's own person 35  
and of the resident's environment and in raising the level of 36  
the resident's physical, mental, social, and vocational 37  
efficiency. Habilitation includes but is not limited to programs 38  
of formal, structured education and training. 39

(F) "Health officer" means any public health physician, 40  
public health nurse, or other person authorized or designated by 41  
a city or general health district. 42

(G) "Home and community-based services" means medicaid- 43  
funded home and community-based services specified in division 44  
(A) (1) of section 5166.20 of the Revised Code provided under the 45  
medicaid waiver components the department of developmental 46

disabilities administers pursuant to section 5166.21 of the 47  
Revised Code. Except as provided in section 5123.0412 of the 48  
Revised Code, home and community-based services provided under 49  
the medicaid waiver component known as the transitions 50  
developmental disabilities waiver are to be considered to be 51  
home and community-based services for the purposes of this 52  
chapter, and Chapters 5124. and 5126. of the Revised Code, only 53  
to the extent, if any, provided by the contract required by 54  
section 5166.21 of the Revised Code regarding the waiver. 55

(H) "ICF/IID" and "ICF/IID services" have the same 56  
meanings as in section 5124.01 of the Revised Code. 57

(I) "Indigent person" means a person who is unable, 58  
without substantial financial hardship, to provide for the 59  
payment of an attorney and for other necessary expenses of legal 60  
representation, including expert testimony. 61

(J) "Institution" means a public or private facility, or a 62  
part of a public or private facility, that is licensed by the 63  
appropriate state department and is equipped to provide 64  
residential habilitation, care, and treatment for persons with 65  
intellectual disabilities. 66

(K) "Licensed physician" means a person who holds a valid 67  
license issued under Chapter 4731. of the Revised Code 68  
authorizing the person to practice medicine and surgery or 69  
osteopathic medicine and surgery, or a medical officer of the 70  
government of the United States while in the performance of the 71  
officer's official duties. 72

(L) "Managing officer" means a person who is appointed by 73  
the director of developmental disabilities to be in executive 74  
control of an institution under the jurisdiction of the 75

department of developmental disabilities. 76

(M) "Medicaid case management services" means case 77  
management services provided to an individual with a 78  
developmental disability that the state medicaid plan requires. 79

(N) "Intellectual disability" means a disability 80  
characterized by having significantly subaverage general 81  
intellectual functioning existing concurrently with deficiencies 82  
in adaptive behavior, manifested during the developmental 83  
period. 84

(O) "Person with an intellectual disability subject to 85  
institutionalization by court order" means a person eighteen 86  
years of age or older with at least a moderate level of 87  
intellectual disability and in relation to whom, because of the 88  
person's disability, either of the following conditions exists: 89

(1) The person represents a very substantial risk of 90  
physical impairment or injury to self as manifested by evidence 91  
that the person is unable to provide for and is not providing 92  
for the person's most basic physical needs and that provision 93  
for those needs is not available in the community; 94

(2) The person needs and is susceptible to significant 95  
habilitation in an institution. 96

(P) "Moderate level of intellectual disability" means the 97  
condition in which a person, following a comprehensive 98  
evaluation, is found to have at least moderate deficits in 99  
overall intellectual functioning, as indicated by a full-scale 100  
intelligence quotient test score of fifty-five or below, and at 101  
least moderate deficits in adaptive behavior, as determined in 102  
accordance with the criteria established in the fifth edition of 103  
the diagnostic and statistical manual of mental disorders 104

published by the American psychiatric association. 105

(Q) "Developmental disability" means a severe, chronic 106  
disability that is characterized by all of the following: 107

(1) It is attributable to a mental or physical impairment 108  
or a combination of mental and physical impairments, including 109  
Prader-Willi syndrome, other than a mental or physical 110  
impairment solely caused by mental illness, as defined in 111  
division (A) of section 5122.01 of the Revised Code. 112

(2) It is manifested before age twenty-two. 113

(3) It is likely to continue indefinitely. 114

(4) It results in one of the following: 115

(a) In the case of a person under three years of age, at 116  
least one developmental delay, as defined in rules adopted under 117  
section 5123.011 of the Revised Code, or a diagnosed physical or 118  
mental condition that has a high probability of resulting in a 119  
developmental delay, as defined in those rules; 120

(b) In the case of a person at least three years of age 121  
but under six years of age, at least two developmental delays, 122  
as defined in rules adopted under section 5123.011 of the 123  
Revised Code; 124

(c) In the case of a person six years of age or older, a 125  
substantial functional limitation in at least three of the 126  
following areas of major life activity, as appropriate for the 127  
person's age: self-care, receptive and expressive language, 128  
learning, mobility, self-direction, capacity for independent 129  
living, and, if the person is at least sixteen years of age, 130  
capacity for economic self-sufficiency. 131

(5) It causes the person to need a combination and 132

sequence of special, interdisciplinary, or other type of care, 133  
treatment, or provision of services for an extended period of 134  
time that is individually planned and coordinated for the 135  
person. 136

"Developmental disability" includes intellectual 137  
disability. 138

(R) "State institution" means an institution that is tax- 139  
supported and under the jurisdiction of the department of 140  
developmental disabilities. 141

(S) "Residence" and "legal residence" have the same 142  
meaning as "legal settlement," which is acquired by residing in 143  
Ohio for a period of one year without receiving general 144  
assistance prior to July 17, 1995, under former Chapter 5113. of 145  
the Revised Code, without receiving financial assistance prior 146  
to December 31, 2017, under former Chapter 5115. of the Revised 147  
Code, or assistance from a private agency that maintains records 148  
of assistance given. A person having a legal settlement in the 149  
state shall be considered as having legal settlement in the 150  
assistance area in which the person resides. No adult person 151  
coming into this state and having a spouse or minor children 152  
residing in another state shall obtain a legal settlement in 153  
this state as long as the spouse or minor children are receiving 154  
public assistance, care, or support at the expense of the other 155  
state or its subdivisions. For the purpose of determining the 156  
legal settlement of a person who is living in a public or 157  
private institution or in a home subject to licensing by the 158  
department of job and family services, the department of mental 159  
health and addiction services, or the department of 160  
developmental disabilities, the residence of the person shall be 161  
considered as though the person were residing in the county in 162

which the person was living prior to the person's entrance into 163  
the institution or home. Settlement once acquired shall continue 164  
until a person has been continuously absent from Ohio for a 165  
period of one year or has acquired a legal residence in another 166  
state. A woman who marries a man with legal settlement in any 167  
county immediately acquires the settlement of her husband. The 168  
legal settlement of a minor is that of the parents, surviving 169  
parent, sole parent, parent who is designated the residential 170  
parent and legal custodian by a court, other adult having 171  
permanent custody awarded by a court, or guardian of the person 172  
of the minor, provided that: 173

(1) A minor female who marries shall be considered to have 174  
the legal settlement of her husband and, in the case of death of 175  
her husband or divorce, she shall not thereby lose her legal 176  
settlement obtained by the marriage. 177

(2) A minor male who marries, establishes a home, and who 178  
has resided in this state for one year without receiving general 179  
assistance prior to July 17, 1995, under former Chapter 5113. of 180  
the Revised Code or assistance from a private agency that 181  
maintains records of assistance given shall be considered to 182  
have obtained a legal settlement in this state. 183

(3) The legal settlement of a child under eighteen years 184  
of age who is in the care or custody of a public or private 185  
child caring agency shall not change if the legal settlement of 186  
the parent changes until after the child has been in the home of 187  
the parent for a period of one year. 188

No person, adult or minor, may establish a legal 189  
settlement in this state for the purpose of gaining admission to 190  
any state institution. 191

(T) (1) "Resident" means, subject to division (T) (2) of 192  
this section, a person who is admitted either voluntarily or 193  
involuntarily to an institution or other facility pursuant to 194  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 195  
Code subsequent to a finding of not guilty by reason of insanity 196  
or incompetence to stand trial or under this chapter who is 197  
under observation or receiving habilitation and care in an 198  
institution. 199

(2) "Resident" does not include a person admitted to an 200  
institution or other facility under section 2945.39, 2945.40, 201  
2945.401, or 2945.402 of the Revised Code to the extent that the 202  
reference in this chapter to resident, or the context in which 203  
the reference occurs, is in conflict with any provision of 204  
sections 2945.37 to 2945.402 of the Revised Code. 205

(U) "Respondent" means the person whose detention, 206  
commitment, or continued commitment is being sought in any 207  
proceeding under this chapter. 208

(V) "Working day" and "court day" mean Monday, Tuesday, 209  
Wednesday, Thursday, and Friday, except when such day is a legal 210  
holiday. 211

(W) "Prosecutor" means the prosecuting attorney, village 212  
solicitor, city director of law, or similar chief legal officer 213  
who prosecuted a criminal case in which a person was found not 214  
guilty by reason of insanity, who would have had the authority 215  
to prosecute a criminal case against a person if the person had 216  
not been found incompetent to stand trial, or who prosecuted a 217  
case in which a person was found guilty. 218

(X) "Court" means the probate division of the court of 219  
common pleas. 220



(Y) "Supported living" and "residential services" have the 221  
same meanings as in section 5126.01 of the Revised Code. 222

(Z) "Prader-Willi syndrome" means a genetic disorder, 223  
confirmed through methylation analysis or other blood test, that 224  
is characterized by hypotonia, abnormally small hands and feet, 225  
hypogonadism, dysphasia, sleep disturbances, and difficulty with 226  
thermoregulation. 227

**Sec. 5126.01.** As used in this chapter: 228

(A) As used in this division, "adult" means an individual 229  
who is eighteen years of age or over and not enrolled in a 230  
program or service under Chapter 3323. of the Revised Code and 231  
an individual sixteen or seventeen years of age who is eligible 232  
for adult services under rules adopted by the director of 233  
developmental disabilities pursuant to Chapter 119. of the 234  
Revised Code. 235

(1) "Adult services" means services provided to an adult 236  
outside the home, except when they are provided within the home 237  
according to an individual's assessed needs and identified in an 238  
individual service plan, that support learning and assistance in 239  
the area of self-care, sensory and motor development, 240  
socialization, daily living skills, communication, community 241  
living, social skills, or vocational skills. 242

(2) "Adult services" includes all of the following: 243

(a) Adult day habilitation services; 244

(b) Employment services; 245

(c) Educational experiences and training obtained through 246  
entities and activities that are not expressly intended for 247  
individuals with developmental disabilities, including trade 248

schools, vocational or technical schools, adult education, job 249  
exploration and sampling, unpaid work experience in the 250  
community, volunteer activities, and spectator sports. 251

(B)(1) "Adult day habilitation services" means adult 252  
services that do the following: 253

(a) Provide access to and participation in typical 254  
activities and functions of community life that are desired and 255  
chosen by the general population, including such activities and 256  
functions as opportunities to experience and participate in 257  
community exploration, companionship with friends and peers, 258  
leisure activities, hobbies, maintaining family contacts, 259  
community events, and activities where individuals without 260  
disabilities are involved; 261

(b) Provide supports or a combination of training and 262  
supports that afford an individual a wide variety of 263  
opportunities to facilitate and build relationships and social 264  
supports in the community. 265

(2) "Adult day habilitation services" includes all of the 266  
following: 267

(a) Personal care services needed to ensure an 268  
individual's ability to experience and participate in vocational 269  
services, educational services, community activities, and any 270  
other adult day habilitation services; 271

(b) Skilled services provided while receiving adult day 272  
habilitation services, including such skilled services as 273  
behavior management intervention, occupational therapy, speech 274  
and language therapy, physical therapy, and nursing services; 275

(c) Training and education in self-determination designed 276  
to help the individual do one or more of the following: develop 277

self-advocacy skills, exercise the individual's civil rights, 278  
acquire skills that enable the individual to exercise control 279  
and responsibility over the services received, and acquire 280  
skills that enable the individual to become more independent, 281  
integrated, or productive in the community; 282

(d) Recreational and leisure activities identified in the 283  
individual's service plan as therapeutic in nature or assistive 284  
in developing or maintaining social supports; 285

(e) Transportation necessary to access adult day 286  
habilitation services; 287

(f) Habilitation management, as described in section 288  
5126.14 of the Revised Code. 289

(3) "Adult day habilitation services" does not include 290  
activities that are components of the provision of residential 291  
services, family support services, or supported living services. 292

(C) "Appointing authority" means the following: 293

(1) In the case of a member of a county board of 294  
developmental disabilities appointed by, or to be appointed by, 295  
a board of county commissioners, the board of county 296  
commissioners; 297

(2) In the case of a member of a county board appointed 298  
by, or to be appointed by, a senior probate judge, the senior 299  
probate judge. 300

(D) "Community employment," "competitive employment," and 301  
"integrated setting" have the same meanings as in section 302  
5123.022 of the Revised Code. 303

(E) "Supported employment services" means vocational 304  
assessment, job training and coaching, job development and 305

placement, worksite accessibility, and other services related to 306  
employment outside a sheltered workshop. "Supported employment 307  
services" includes both of the following: 308

(1) Job training resulting in the attainment of community 309  
employment, supported work in a typical work environment, or 310  
self-employment; 311

(2) Support for ongoing community employment, supported 312  
work at community-based sites, or self-employment. 313

(F) "Developmental disability" means a severe, chronic 314  
disability that is characterized by all of the following: 315

(1) It is attributable to a mental or physical impairment 316  
or a combination of mental and physical impairments, including 317  
Prader-Willi syndrome, other than a mental or physical 318  
impairment solely caused by mental illness as defined in 319  
division (A) of section 5122.01 of the Revised Code; 320

(2) It is manifested before age twenty-two; 321

(3) It is likely to continue indefinitely; 322

(4) It results in one of the following: 323

(a) In the case of a person under age three, at least one 324  
developmental delay, as defined in rules adopted under section 325  
5123.011 of the Revised Code, or a diagnosed physical or mental 326  
condition that has a high probability of resulting in a 327  
developmental delay, as defined in those rules; 328

(b) In the case of a person at least age three but under 329  
age six, at least two developmental delays, as defined in rules 330  
adopted under section 5123.011 of the Revised Code; 331

(c) In the case of a person age six or older, a 332

substantial functional limitation in at least three of the 333  
following areas of major life activity, as appropriate for the 334  
person's age: self-care, receptive and expressive language, 335  
learning, mobility, self-direction, capacity for independent 336  
living, and, if the person is at least age sixteen, capacity for 337  
economic self-sufficiency. 338

(5) It causes the person to need a combination and 339  
sequence of special, interdisciplinary, or other type of care, 340  
treatment, or provision of services for an extended period of 341  
time that is individually planned and coordinated for the 342  
person. 343

"Developmental disability" includes intellectual 344  
disability. 345

(G) "Early childhood services" means a planned program of 346  
habilitation designed to meet the needs of individuals with 347  
developmental disabilities who have not attained compulsory 348  
school age. 349

(H) "Employment services" means prevocational services or 350  
supported employment services. 351

(I) (1) "Environmental modifications" means the physical 352  
adaptations to an individual's home, specified in the 353  
individual's service plan, that are necessary to ensure the 354  
individual's health, safety, and welfare or that enable the 355  
individual to function with greater independence in the home, 356  
and without which the individual would require 357  
institutionalization. 358

(2) "Environmental modifications" includes such 359  
adaptations as installation of ramps and grab-bars, widening of 360  
doorways, modification of bathroom facilities, and installation 361

of specialized electric and plumbing systems necessary to 362  
accommodate the individual's medical equipment and supplies. 363

(3) "Environmental modifications" does not include 364  
physical adaptations or improvements to the home that are of 365  
general utility or not of direct medical or remedial benefit to 366  
the individual, including such adaptations or improvements as 367  
carpeting, roof repair, and central air conditioning. 368

(J) "Family support services" means the services provided 369  
under a family support services program operated under section 370  
5126.11 of the Revised Code. 371

(K) "Habilitation" means the process by which the staff of 372  
the facility or agency assists an individual with a 373  
developmental disability in acquiring and maintaining those life 374  
skills that enable the individual to cope more effectively with 375  
the demands of the individual's own person and environment, and 376  
in raising the level of the individual's personal, physical, 377  
mental, social, and vocational efficiency. Habilitation 378  
includes, but is not limited to, programs of formal, structured 379  
education and training. 380

(L) "Home and community-based services" has the same 381  
meaning as in section 5123.01 of the Revised Code. 382

(M) "ICF/IID" and "ICF/IID services" have the same 383  
meanings as in section 5124.01 of the Revised Code. 384

(N) "Immediate family" means parents, grandparents, 385  
brothers, sisters, spouses, sons, daughters, aunts, uncles, 386  
mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, 387  
sons-in-law, and daughters-in-law. 388

(O) "Intellectual disability" means a mental impairment 389  
manifested during the developmental period characterized by 390

significantly subaverage general intellectual functioning 391  
existing concurrently with deficiencies in the effectiveness or 392  
degree with which an individual meets the standards of personal 393  
independence and social responsibility expected of the 394  
individual's age and cultural group. 395

(P) "Medicaid case management services" means case 396  
management services provided to an individual with a 397  
developmental disability that the state medicaid plan requires. 398

(Q) "Prader-Willi syndrome" has the same meaning as in 399  
section 5123.01 of the Revised Code. 400

(R) "Prevocational services" means services that provide 401  
learning and work experiences, including volunteer work 402  
experiences, from which an individual can develop general 403  
strengths and skills that are not specific to a particular task 404  
or job but contribute to employability in community employment, 405  
supported work at community-based sites, or self-employment. 406

~~(R)~~(S) "Residential services" means services to 407  
individuals with developmental disabilities to provide housing, 408  
food, clothing, habilitation, staff support, and related support 409  
services necessary for the health, safety, and welfare of the 410  
individuals and the advancement of their quality of life. 411  
"Residential services" includes program management, as described 412  
in section 5126.14 of the Revised Code. 413

~~(S)~~(T) "Resources" means available capital and other 414  
assets, including moneys received from the federal, state, and 415  
local governments, private grants, and donations; appropriately 416  
qualified personnel; and appropriate capital facilities and 417  
equipment. 418

~~(T)~~(U) "Senior probate judge" means the current probate 419

judge of a county who has served as probate judge of that county 420  
longer than any of the other current probate judges of that 421  
county. If a county has only one probate judge, "senior probate 422  
judge" means that probate judge. 423

~~(U)~~(V) "Service and support administration" means the 424  
duties performed by a service and support administrator pursuant 425  
to section 5126.15 of the Revised Code. 426

~~(V)(1)~~(W)(1) "Specialized medical, adaptive, and 427  
assistive equipment, supplies, and supports" means equipment, 428  
supplies, and supports that enable an individual to increase the 429  
ability to perform activities of daily living or to perceive, 430  
control, or communicate within the environment. 431

(2) "Specialized medical, adaptive, and assistive 432  
equipment, supplies, and supports" includes the following: 433

(a) Eating utensils, adaptive feeding dishes, plate 434  
guards, mylatex straps, hand splints, reaches, feeder seats, 435  
adjustable pointer sticks, interpreter services, 436  
telecommunication devices for the deaf, computerized 437  
communications boards, other communication devices, support 438  
animals, veterinary care for support animals, adaptive beds, 439  
supine boards, prone boards, wedges, sand bags, sidelayers, 440  
bolsters, adaptive electrical switches, hand-held shower heads, 441  
air conditioners, humidifiers, emergency response systems, 442  
folding shopping carts, vehicle lifts, vehicle hand controls, 443  
other adaptations of vehicles for accessibility, and repair of 444  
the equipment received. 445

(b) Nondisposable items not covered by medicaid that are 446  
intended to assist an individual in activities of daily living 447  
or instrumental activities of daily living. 448



~~(W)~~(X) "Supportive home services" means a range of 449  
services to families of individuals with developmental 450  
disabilities to develop and maintain increased acceptance and 451  
understanding of such persons, increased ability of family 452  
members to teach the person, better coordination between school 453  
and home, skills in performing specific therapeutic and 454  
management techniques, and ability to cope with specific 455  
situations. 456

~~(X)~~~~(1)~~(Y)(1) "Supported living" means services provided 457  
for as long as twenty-four hours a day to an individual with a 458  
developmental disability through any public or private 459  
resources, including moneys from the individual, that enhance 460  
the individual's reputation in community life and advance the 461  
individual's quality of life by doing the following: 462

(a) Providing the support necessary to enable an 463  
individual to live in a residence of the individual's choice, 464  
with any number of individuals who are not disabled, or with not 465  
more than three individuals with developmental disabilities 466  
unless the individuals are related by blood or marriage; 467

(b) Encouraging the individual's participation in the 468  
community; 469

(c) Promoting the individual's rights and autonomy; 470

(d) Assisting the individual in acquiring, retaining, and 471  
improving the skills and competence necessary to live 472  
successfully in the individual's residence. 473

(2) "Supported living" includes the provision of all of 474  
the following: 475

(a) Housing, food, clothing, habilitation, staff support, 476  
professional services, and any related support services 477

necessary to ensure the health, safety, and welfare of the individual receiving the services;	478 479
(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	480 481 482 483 484
(c) Personal care services and homemaker services;	485
(d) Household maintenance that does not include modifications to the physical structure of the residence;	486 487
(e) Respite care services;	488
(f) Program management, as described in section 5126.14 of the Revised Code.	489 490
<b>Section 2.</b> That existing sections 5123.01 and 5126.01 of the Revised Code are hereby repealed.	491 492