

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 314**

**Senator Ingram**

**Cosponsors: Senators Hicks-Hudson, Antonio, Smith, DeMora**

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**A BILL**

To amend sections 3721.60, 3721.61, 3721.62, 1  
3721.63, 3721.65, and 3721.66 of the Revised 2  
Code to make changes regarding electronic 3  
monitoring of a resident's room in a long-term 4  
care facility. 5

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

**Section 1.** That sections 3721.60, 3721.61, 3721.62, 6  
3721.63, 3721.65, and 3721.66 of the Revised Code be amended to 7  
read as follows: 8

**Sec. 3721.60.** As used in sections 3721.60 to 3721.67 of 9  
the Revised Code: 10

(A) "Attorney in fact" means a person designated as such 11  
by a durable power of attorney for health care executed pursuant 12  
to sections 1337.11 to 1337.17 of the Revised Code. 13

(B) "Designated sponsor" means a sponsor, as defined in 14  
section 3721.10 of the Revised Code, that is selected by a 15  
resident. 16

(C) "Electronic monitoring device" means a surveillance 17

instrument with a fixed position video camera or an audio 18  
recording device, or a combination thereof, that is installed in 19  
a resident's room and broadcasts or records activities or sounds 20  
occurring in the room. 21

~~(C) "Guardian" has the same meaning as in section 2111.01 22  
of the Revised Code. 23~~

(D) "Long-term care facility" has the same meaning as in 24  
section 3721.21 of the Revised Code and also includes a 25  
residential care facility as defined in section 3721.01 of the 26  
Revised Code. 27

(E) "Resident" means an individual who resides in a long- 28  
term care facility. 29

**Sec. 3721.61.** (A) Subject to section 3721.62 of the 30  
Revised Code, a resident or a resident's ~~guardian-designated 31  
sponsor~~ or attorney in fact may authorize the installation and 32  
use of an electronic monitoring device in the resident's room in 33  
a long-term care facility. The resident, designated sponsor, or 34  
attorney in fact may select the electronic monitoring device. 35

(B) The installation and use of an electronic monitoring 36  
device may be authorized only if both of the following 37  
conditions are met: 38

(1) If a long-term care facility has prescribed a form 39  
described in section 3721.63 of the Revised Code, the resident 40  
or resident's ~~guardian-designated sponsor~~ or attorney in fact 41  
completes the form and submits it to the facility. 42

(2) ~~The Subject to division (C) of this section, the cost 43  
of the device and the cost of installing, maintaining, and 44  
removing the device, other than the cost of electricity for the 45  
device, is paid for by the resident or the resident's guardian- 46~~

designated sponsor or attorney in fact. 47

~~(C)~~ (C) (1) A long-term care facility may charge a fee for 48  
the installation of an electronic monitoring device in a 49  
resident's room. The fee shall not exceed fifty dollars. 50

(2) A long-term care facility may charge a fee to provide 51  
an internet connection for the installation and use of an 52  
electronic monitoring device in a resident's room. The fee shall 53  
not exceed two dollars per month. 54

(D) A resident who has authorized the installation and use 55  
of an electronic monitoring device may withdraw that 56  
authorization at any time. 57

**Sec. 3721.62.** (A) If a resident wishing to conduct 58  
authorized electronic monitoring of the resident's room lives 59  
with another resident in a long-term care facility, the consent 60  
of the other resident or the other resident's ~~guardian~~ 61  
designated sponsor or attorney in fact to the installation and 62  
use of an electronic monitoring device in the room is required 63  
before any installation or use of such a device may occur. If 64  
the long-term care facility has prescribed a form described in 65  
section 3721.63 of the Revised Code, the other resident or other 66  
resident's ~~guardian~~ designated sponsor or attorney in fact shall 67  
consent by completing the relevant part of the form. 68

(B) (1) If a resident living in a room with another 69  
resident wishes to conduct authorized electronic monitoring of 70  
the resident's room, but the other resident or other resident's 71  
~~guardian~~ designated sponsor or attorney in fact refuses to 72  
consent to the installation and use of an electronic monitoring 73  
device, the facility shall make a reasonable attempt to 74  
accommodate the resident wishing to conduct authorized 75

electronic monitoring by moving either resident to another 76  
available room with the consent of the resident being moved or 77  
resident's ~~guardian-designated sponsor~~ or attorney in fact. 78

(2) In the case of a resident living in a room with 79  
another resident, the other resident or other resident's 80  
~~guardian-designated sponsor~~ or attorney in fact may place 81  
conditions on any consent to the installation and use of an 82  
electronic monitoring device, including conditions such as 83  
pointing the device away from the other resident or limiting or 84  
prohibiting the use of certain devices. If conditions are placed 85  
on consent, the device shall be installed and used according to 86  
those conditions. 87

(C) A resident whose consent is required under this 88  
section may withdraw that consent at any time. 89

**Sec. 3721.63.** A long-term care facility may prescribe a 90  
form for use by a resident or resident's ~~guardian-designated~~ 91  
~~sponsor~~ or attorney in fact seeking to authorize the 92  
installation and use of an electronic monitoring device in the 93  
resident's room in a long-term care facility. If a long-term 94  
care facility prescribes a form, it shall, at a minimum, include 95  
all of the following: 96

(A) An explanation of sections 3721.60 to 3721.67 of the 97  
Revised Code; 98

(B) An acknowledgment that the resident or resident's 99  
~~guardian-designated sponsor~~ or attorney in fact has consented to 100  
the installation and use of the device in the resident's room; 101

(C) In the case of a resident who lives in a room with 102  
another resident, an acknowledgment that the other resident or 103  
other resident's ~~guardian-designated sponsor~~ or attorney in fact 104

has consented to the installation and use of the device and a 105  
description of any conditions placed on that consent pursuant to 106  
division (B) (2) of section 3721.62 of the Revised Code; 107

(D) A section for providing the facility with information 108  
regarding the type, function, and use of the device selected by 109  
the resident or the resident's designated sponsor or attorney in 110  
fact to be installed and used; 111

(E) A section stating that the facility is released from 112  
liability in any civil or criminal action or administrative 113  
proceeding for a violation of the resident's right to privacy in 114  
connection with using the device. 115

**Sec. 3721.65.** No ~~person or resident~~ long-term care 116  
facility shall be denied do either of the following: 117

(A) Prohibit the installation and use of an electronic 118  
monitoring device that has two-way audio and video communication 119  
abilities; 120

(B) Deny admission to or discharged discharge from a long- 121  
term care facility or otherwise ~~discriminated~~ discriminate or 122  
~~retaliated~~ retaliate against a person or resident because of the 123  
decision to authorize the installation and use of an electronic 124  
monitoring device in a resident's room in the facility. 125

**Sec. 3721.66.** (A) No person other than the resident or 126  
resident's ~~guardian~~ designated sponsor or attorney in fact who 127  
authorized the installation and use of an electronic monitoring 128  
device in the resident's room in a long-term care facility shall 129  
intentionally obstruct, tamper with, or destroy the device or a 130  
recording made by the device. 131

(B) Except as provided in division (C) of this section, no 132  
person other than the following shall intentionally view or 133

listen to the images displayed or sounds recorded by an	134
electronic monitoring device installed in a resident's room:	135
(1) The resident;	136
(2) The resident's <del>guardian</del> <u>designated sponsor</u> or attorney	137
in fact;	138
(3) Law enforcement personnel.	139
(C) A resident or resident's <del>guardian</del> <u>designated sponsor</u>	140
or attorney in fact may authorize a person to view or listen to	141
the images displayed or sounds recorded by an electronic	142
monitoring device installed in a resident's room.	143
<b>Section 2.</b> That existing sections 3721.60, 3721.61,	144
3721.62, 3721.63, 3721.65, and 3721.66 of the Revised Code are	145
hereby repealed.	146