

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 456**

**Representative Brent**

**Cosponsors: Representatives Crawley, Crossman, Keller, Smith, K., Robinson**

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**A BILL**

To amend sections 5123.19 and 5123.99 and to enact  
sections 5123.199, 5123.1910, 5123.1911,  
5123.1912, 5123.1913, 5123.1914, 5123.1915, and  
5123.1916 of the Revised Code to permit a  
resident of a residential facility to conduct  
electronic monitoring of the resident's room.

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

**Section 1.** That sections 5123.19 and 5123.99 be amended  
and sections 5123.199, 5123.1910, 5123.1911, 5123.1912,  
5123.1913, 5123.1914, 5123.1915, and 5123.1916 of the Revised  
Code be enacted to read as follows:

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20  
of the Revised Code:

(1) "Electronic monitoring device" means a surveillance  
instrument with a fixed position video camera or an audio  
recording device, or a combination thereof, that is installed in  
a resident's room and broadcasts or records activities or sounds  
occurring in the room.

(2) "Independent living arrangement" means an arrangement

in which an individual with a developmental disability resides 19  
in an individualized setting chosen by the individual or the 20  
individual's guardian, which is not dedicated principally to the 21  
provision of residential services for individuals with 22  
developmental disabilities, and for which no financial support 23  
is received for rendering such service from any governmental 24  
agency by a provider of residential services. 25

~~(2)~~ (3) "Licensee" means the person or government agency 26  
that has applied for a license to operate a residential facility 27  
and to which the license was issued under this section. 28

~~(3)~~ (4) "Political subdivision" means a municipal 29  
corporation, county, or township. 30

~~(4)~~ (5) "Related party" has the same meaning as in section 31  
5123.16 of the Revised Code except that "provider" as used in 32  
the definition of "related party" means a person or government 33  
entity that held or applied for a license to operate a 34  
residential facility, rather than a person or government entity 35  
certified to provide supported living. 36

~~(5) (a)~~ (6) (a) Except as provided in division ~~(A) (5) (b)~~ (A) 37  
(6) (b) of this section, "residential facility" means a home or 38  
facility, including an ICF/IID, in which an individual with a 39  
developmental disability resides. 40

(b) "Residential facility" does not mean any of the 41  
following: 42

(i) The home of a relative or legal guardian in which an 43  
individual with a developmental disability resides; 44

(ii) A respite care home certified under section 5126.05 45  
of the Revised Code; 46

(iii) A county home or district home operated pursuant to 47  
Chapter 5155. of the Revised Code; 48

(iv) A dwelling in which the only residents with 49  
developmental disabilities are in independent living 50  
arrangements or are being provided supported living. 51

(B) Every person or government agency desiring to operate 52  
a residential facility shall apply for licensure of the facility 53  
to the director of developmental disabilities unless the 54  
residential facility is subject to section 3721.02, 5103.03, 55  
5119.33, or division (B)(1)(b) of section 5119.34 of the Revised 56  
Code. 57

(C) Subject to section 5123.196 of the Revised Code, the 58  
director of developmental disabilities shall license the 59  
operation of residential facilities. An initial license shall be 60  
issued for a period that does not exceed one year, unless the 61  
director denies the license under division (D) of this section. 62  
A license shall be renewed for a period that does not exceed 63  
three years, unless the director refuses to renew the license 64  
under division (D) of this section. The director, when issuing 65  
or renewing a license, shall specify the period for which the 66  
license is being issued or renewed. A license remains valid for 67  
the length of the licensing period specified by the director, 68  
unless the license is terminated, revoked, or voluntarily 69  
surrendered. 70

(D) If it is determined that an applicant or licensee is 71  
not in compliance with a provision of this chapter that applies 72  
to residential facilities or the rules adopted under such a 73  
provision, the director may deny issuance of a license, refuse 74  
to renew a license, terminate a license, revoke a license, issue 75  
an order for the suspension of admissions to a facility, issue 76

an order for the placement of a monitor at a facility, issue an 77  
order for the immediate removal of residents, or take any other 78  
action the director considers necessary consistent with the 79  
director's authority under this chapter regarding residential 80  
facilities. In the director's selection and administration of 81  
the sanction to be imposed, all of the following apply: 82

(1) The director may deny, refuse to renew, or revoke a 83  
license, if the director determines that the applicant or 84  
licensee has demonstrated a pattern of serious noncompliance or 85  
that a violation creates a substantial risk to the health and 86  
safety of residents of a residential facility. 87

(2) The director may terminate a license if more than 88  
twelve consecutive months have elapsed since the residential 89  
facility was last occupied by a resident or a notice required by 90  
division (J) of this section is not given. 91

(3) The director may issue an order for the suspension of 92  
admissions to a facility for any violation that may result in 93  
sanctions under division (D) (1) of this section and for any 94  
other violation specified in rules adopted under division (G) (2) 95  
of this section. If the suspension of admissions is imposed for 96  
a violation that may result in sanctions under division (D) (1) 97  
of this section, the director may impose the suspension before 98  
providing an opportunity for an adjudication under Chapter 119. 99  
of the Revised Code. The director shall lift an order for the 100  
suspension of admissions when the director determines that the 101  
violation that formed the basis for the order has been 102  
corrected. 103

(4) The director may order the placement of a monitor at a 104  
residential facility for any violation specified in rules 105  
adopted under division (G) (2) of this section. The director 106

shall lift the order when the director determines that the 107  
violation that formed the basis for the order has been 108  
corrected. 109

(5) When the director initiates license revocation 110  
proceedings, no opportunity for submitting a plan of correction 111  
shall be given. The director shall notify the licensee by letter 112  
of the initiation of the proceedings. The letter shall list the 113  
deficiencies of the residential facility and inform the licensee 114  
that no plan of correction will be accepted. The director shall 115  
also send a copy of the letter to the county board of 116  
developmental disabilities. Except in the case of a licensee 117  
that is an ICF/IID, the county board shall send a copy of the 118  
letter to each of the following: 119

(a) Each resident who receives services from the licensee; 120

(b) The guardian of each resident who receives services 121  
from the licensee if the resident has a guardian; 122

(c) The parent or guardian of each resident who receives 123  
services from the licensee if the resident is a minor. 124

(6) Pursuant to rules which shall be adopted in accordance 125  
with Chapter 119. of the Revised Code, the director may order 126  
the immediate removal of residents from a residential facility 127  
whenever conditions at the facility present an immediate danger 128  
of physical or psychological harm to the residents. 129

(7) In determining whether a residential facility is being 130  
operated in compliance with a provision of this chapter that 131  
applies to residential facilities or the rules adopted under 132  
such a provision, or whether conditions at a residential 133  
facility present an immediate danger of physical or 134  
psychological harm to the residents, the director may rely on 135

information obtained by a county board of developmental 136  
disabilities or other governmental agencies. 137

(8) In proceedings initiated to deny, refuse to renew, or 138  
revoke licenses, the director may deny, refuse to renew, or 139  
revoke a license regardless of whether some or all of the 140  
deficiencies that prompted the proceedings have been corrected 141  
at the time of the hearing. 142

(E) (1) Except as provided in division (E) (2) of this 143  
section, appeals from proceedings initiated to impose a sanction 144  
under division (D) of this section shall be conducted in 145  
accordance with Chapter 119. of the Revised Code. 146

(2) Appeals from proceedings initiated to order the 147  
suspension of admissions to a facility shall be conducted in 148  
accordance with Chapter 119. of the Revised Code, unless the 149  
order was issued before providing an opportunity for an 150  
adjudication, in which case all of the following apply: 151

(a) The licensee may request a hearing not later than ten 152  
days after receiving the notice specified in section 119.07 of 153  
the Revised Code. 154

(b) If a timely request for a hearing that includes the 155  
licensee's current address is made, the hearing shall commence 156  
not later than thirty days after the department receives the 157  
request. 158

(c) After commencing, the hearing shall continue 159  
uninterrupted, except for Saturdays, Sundays, and legal 160  
holidays, unless other interruptions are agreed to by the 161  
licensee and the director. 162

(d) If the hearing is conducted by a hearing examiner, the 163  
hearing examiner shall file a report and recommendations not 164

later than ten days after the last of the following: 165

(i) The close of the hearing; 166

(ii) If a transcript of the proceedings is ordered, the 167  
hearing examiner receives the transcript; 168

(iii) If post-hearing briefs are timely filed, the hearing 169  
examiner receives the briefs. 170

(e) A copy of the written report and recommendation of the 171  
hearing examiner shall be sent, by certified mail, to the 172  
licensee and the licensee's attorney, if applicable, not later 173  
than five days after the report is filed. 174

(f) Not later than five days after the hearing examiner 175  
files the report and recommendations, the licensee may file 176  
objections to the report and recommendations. 177

(g) Not later than fifteen days after the hearing examiner 178  
files the report and recommendations, the director shall issue 179  
an order approving, modifying, or disapproving the report and 180  
recommendations. 181

(h) Notwithstanding the pendency of the hearing, the 182  
director shall lift the order for the suspension of admissions 183  
when the director determines that the violation that formed the 184  
basis for the order has been corrected. 185

(F) Neither a person or government agency whose 186  
application for a license to operate a residential facility is 187  
denied nor a related party of the person or government agency 188  
may apply for a license to operate a residential facility before 189  
the date that is five years after the date of the denial. 190  
Neither a licensee whose residential facility license is revoked 191  
nor a related party of the licensee may apply for a residential 192

facility license before the date that is five years after the 193  
date of the revocation. 194

(G) In accordance with Chapter 119. of the Revised Code, 195  
the director shall adopt and may amend and rescind rules for 196  
licensing and regulating the operation of residential 197  
facilities. The rules for residential facilities that are 198  
ICFs/IID may differ from those for other residential facilities. 199  
The rules shall establish and specify the following: 200

(1) Procedures and criteria for issuing and renewing 201  
licenses, including procedures and criteria for determining the 202  
length of the licensing period that the director must specify 203  
for each license when it is issued or renewed; 204

(2) Procedures and criteria for denying, refusing to 205  
renew, terminating, and revoking licenses and for ordering the 206  
suspension of admissions to a facility, placement of a monitor 207  
at a facility, and the immediate removal of residents from a 208  
facility; 209

(3) Fees for issuing and renewing licenses, which shall be 210  
deposited into the program fee fund created under section 211  
5123.033 of the Revised Code; 212

(4) Procedures for surveying residential facilities; 213

(5) Classifications for the various types of residential 214  
facilities; 215

(6) The maximum number of individuals who may be served in 216  
a particular type of residential facility; 217

(7) Uniform procedures for admission of individuals to and 218  
transfers and discharges of individuals from residential 219  
facilities; 220



(8) Other standards for the operation of residential 221  
facilities and the services provided at residential facilities; 222

(9) Procedures for waiving any provision of any rule 223  
adopted under this section. 224

(H) (1) Before issuing a license, the director shall 225  
conduct a survey of the residential facility for which 226  
application is made. The director shall conduct a survey of each 227  
licensed residential facility at least once during the period 228  
the license is valid and may conduct additional inspections as 229  
needed. A survey includes but is not limited to an on-site 230  
examination and evaluation of the residential facility, its 231  
personnel, and the services provided there. The director may 232  
assign to a county board of developmental disabilities or the 233  
department of health the responsibility to conduct any survey or 234  
inspection under this section. 235

(2) In conducting surveys, the director shall be given 236  
access to the residential facility; all records, accounts, and 237  
any other documents related to the operation of the facility; 238  
the licensee; the residents of the facility; and all persons 239  
acting on behalf of, under the control of, or in connection with 240  
the licensee. The licensee and all persons on behalf of, under 241  
the control of, or in connection with the licensee shall 242  
cooperate with the director in conducting the survey. 243

(3) Following each survey, the director shall provide the 244  
licensee with a report listing the date of the survey, any 245  
citations issued as a result of the survey, and the statutes or 246  
rules that purportedly have been violated and are the bases of 247  
the citations. The director shall also do both of the following: 248

(a) Specify a date by which the licensee may appeal any of 249

the citations; 250

(b) When appropriate, specify a timetable within which the 251  
licensee must submit a plan of correction describing how the 252  
problems specified in the citations will be corrected and, the 253  
date by which the licensee anticipates the problems will be 254  
corrected. 255

(4) If the director initiates a proceeding to revoke a 256  
license, the director shall include the report required by 257  
division (H) (3) of this section with the notice of the proposed 258  
revocation the director sends to the licensee. In this 259  
circumstance, the licensee may not submit a plan of correction. 260

(5) After a plan of correction is submitted, the director 261  
shall approve or disapprove the plan. If the plan of correction 262  
is approved, a copy of the approved plan shall be provided, not 263  
later than five business days after it is approved, to any 264  
person or government entity who requests it and made available 265  
on the internet web site maintained by the department of 266  
developmental disabilities. If the plan of correction is not 267  
approved and the director initiates a proceeding to revoke the 268  
license, a copy of the survey report shall be provided to any 269  
person or government entity that requests it and shall be made 270  
available on the internet web site maintained by the department. 271

(6) The director shall initiate disciplinary action 272  
against any department employee who notifies or causes the 273  
notification to any unauthorized person of an unannounced survey 274  
of a residential facility by an authorized representative of the 275  
department. 276

(I) In addition to any other information which may be 277  
required of applicants for a license pursuant to this section, 278

the director shall require each applicant to provide a copy of 279  
an approved plan for a proposed residential facility pursuant to 280  
section 5123.042 of the Revised Code. This division does not 281  
apply to renewal of a license or to an applicant for an initial 282  
or modified license who meets the requirements of section 283  
5123.197 of the Revised Code. 284

(J) (1) A licensee shall notify the owner of the building 285  
in which the licensee's residential facility is located of any 286  
significant change in the identity of the licensee or management 287  
contractor before the effective date of the change if the 288  
licensee is not the owner of the building. 289

(2) Pursuant to rules, which shall be adopted in 290  
accordance with Chapter 119. of the Revised Code, the director 291  
may require notification to the department of any significant 292  
change in the ownership of a residential facility or in the 293  
identity of the licensee or management contractor. If the 294  
director determines that a significant change of ownership is 295  
proposed, the director shall consider the proposed change to be 296  
an application for development by a new operator pursuant to 297  
section 5123.042 of the Revised Code and shall advise the 298  
applicant within sixty days of the notification that the current 299  
license shall continue in effect or a new license will be 300  
required pursuant to this section. If the director requires a 301  
new license, the director shall permit the facility to continue 302  
to operate under the current license until the new license is 303  
issued, unless the current license is revoked, refused to be 304  
renewed, or terminated in accordance with Chapter 119. of the 305  
Revised Code. 306

(3) A licensee shall transfer to the new licensee or 307  
management contractor all records related to the residents of 308

the facility following any significant change in the identity of 309  
the licensee or management contractor. 310

(K) A county board of developmental disabilities and any 311  
interested person may file complaints alleging violations of 312  
statute or department rule relating to residential facilities 313  
with the department. All complaints shall state the facts 314  
constituting the basis of the allegation. The department shall 315  
not reveal the source of any complaint unless the complainant 316  
agrees in writing to waive the right to confidentiality or until 317  
so ordered by a court of competent jurisdiction. 318

The department shall adopt rules in accordance with 319  
Chapter 119. of the Revised Code establishing procedures for the 320  
receipt, referral, investigation, and disposition of complaints 321  
filed with the department under this division. 322

(L) Before issuing a license under this section to a 323  
residential facility that will accommodate at any time more than 324  
one individual with a developmental disability, the director 325  
shall, by first class mail, notify the following: 326

(1) If the facility will be located in a municipal 327  
corporation, the clerk of the legislative authority of the 328  
municipal corporation; 329

(2) If the facility will be located in unincorporated 330  
territory, the clerk of the appropriate board of county 331  
commissioners and the fiscal officer of the appropriate board of 332  
township trustees. 333

The director shall not issue the license for ten days 334  
after mailing the notice, excluding Saturdays, Sundays, and 335  
legal holidays, in order to give the notified local officials 336  
time in which to comment on the proposed issuance. 337

Any legislative authority of a municipal corporation, 338  
board of county commissioners, or board of township trustees 339  
that receives notice under this division of the proposed 340  
issuance of a license for a residential facility may comment on 341  
it in writing to the director within ten days after the director 342  
mailed the notice, excluding Saturdays, Sundays, and legal 343  
holidays. If the director receives written comments from any 344  
notified officials within the specified time, the director shall 345  
make written findings concerning the comments and the director's 346  
decision on the issuance of the license. If the director does 347  
not receive written comments from any notified local officials 348  
within the specified time, the director shall continue the 349  
process for issuance of the license. 350

(M) Any person may operate a licensed residential facility 351  
that provides room and board, personal care, habilitation 352  
services, and supervision in a family setting for at least six 353  
but not more than eight individuals with developmental 354  
disabilities as a permitted use in any residential district or 355  
zone, including any single-family residential district or zone, 356  
of any political subdivision. These residential facilities may 357  
be required to comply with area, height, yard, and architectural 358  
compatibility requirements that are uniformly imposed upon all 359  
single-family residences within the district or zone. 360

(N) Any person may operate a licensed residential facility 361  
that provides room and board, personal care, habilitation 362  
services, and supervision in a family setting for at least nine 363  
but not more than sixteen individuals with developmental 364  
disabilities as a permitted use in any multiple-family 365  
residential district or zone of any political subdivision, 366  
except that a political subdivision that has enacted a zoning 367  
ordinance or resolution establishing planned unit development 368

districts may exclude these residential facilities from those 369  
districts, and a political subdivision that has enacted a zoning 370  
ordinance or resolution may regulate these residential 371  
facilities in multiple-family residential districts or zones as 372  
a conditionally permitted use or special exception, in either 373  
case, under reasonable and specific standards and conditions set 374  
out in the zoning ordinance or resolution to: 375

(1) Require the architectural design and site layout of 376  
the residential facility and the location, nature, and height of 377  
any walls, screens, and fences to be compatible with adjoining 378  
land uses and the residential character of the neighborhood; 379

(2) Require compliance with yard, parking, and sign 380  
regulation; 381

(3) Limit excessive concentration of these residential 382  
facilities. 383

(O) This section does not prohibit a political subdivision 384  
from applying to residential facilities nondiscriminatory 385  
regulations requiring compliance with health, fire, and safety 386  
regulations and building standards and regulations. 387

(P) Divisions (M) and (N) of this section are not 388  
applicable to municipal corporations that had in effect on June 389  
15, 1977, an ordinance specifically permitting in residential 390  
zones licensed residential facilities by means of permitted 391  
uses, conditional uses, or special exception, so long as such 392  
ordinance remains in effect without any substantive 393  
modification. 394

(Q) (1) The director may issue an interim license to 395  
operate a residential facility to an applicant for a license 396  
under this section if either of the following is the case: 397

(a) The director determines that an emergency exists 398  
requiring immediate placement of individuals in a residential 399  
facility, that insufficient licensed beds are available, and 400  
that the residential facility is likely to receive a permanent 401  
license under this section within thirty days after issuance of 402  
the interim license. 403

(b) The director determines that the issuance of an 404  
interim license is necessary to meet a temporary need for a 405  
residential facility. 406

(2) To be eligible to receive an interim license, an 407  
applicant must meet the same criteria that must be met to 408  
receive a permanent license under this section, except for any 409  
differing procedures and time frames that may apply to issuance 410  
of a permanent license. 411

(3) An interim license shall be valid for thirty days and 412  
may be renewed by the director for a period not to exceed one 413  
hundred eighty days. 414

(4) The director shall adopt rules in accordance with 415  
Chapter 119. of the Revised Code as the director considers 416  
necessary to administer the issuance of interim licenses. 417

(R) Notwithstanding rules adopted pursuant to this section 418  
establishing the maximum number of individuals who may be served 419  
in a particular type of residential facility, a residential 420  
facility shall be permitted to serve the same number of 421  
individuals being served by the facility on the effective date 422  
of the rules or the number of individuals for which the facility 423  
is authorized pursuant to a current application for a 424  
certificate of need with a letter of support from the department 425  
of developmental disabilities and which is in the review process 426

prior to April 4, 1986.

This division does not preclude the department from  
suspending new admissions to a residential facility pursuant to  
a written order issued under section 5124.70 of the Revised  
Code.

(S) The director may enter at any time, for purposes of  
investigation, any home, facility, or other structure that has  
been reported to the director or that the director has  
reasonable cause to believe is being operated as a residential  
facility without a license issued under this section.

The director may petition the court of common pleas of the  
county in which an unlicensed residential facility is located  
for an order enjoining the person or governmental agency  
operating the facility from continuing to operate without a  
license. The court may grant the injunction on a showing that  
the person or governmental agency named in the petition is  
operating a residential facility without a license. The court  
may grant the injunction, regardless of whether the residential  
facility meets the requirements for receiving a license under  
this section.

Sec. 5123.199. (A) As used in this section, "multifactor  
authentication" has the same meaning as in section 3965.01 of  
the Revised Code.

(B) Subject to section 5123.1910 of the Revised Code, a  
resident or resident's guardian may authorize the installation  
and use of an electronic monitoring device in the resident's  
room in a residential facility.

(C) The installation and use of an electronic monitoring  
device may be authorized only if the following conditions are



met: 456

(1) The resident or the resident's guardian completes the 457  
form described in section 5123.1911 of the Revised Code and 458  
submits it to the residential facility. 459

(2) The cost of the device and the cost of installing, 460  
maintaining, and removing the device, other than the cost of 461  
electricity for the device, is paid for by the resident or 462  
resident's guardian. 463

(3) The device utilizes multifactor authentication to 464  
prevent an individual who has not authorized the installation 465  
and use of the device from tampering with the device. 466

(D) A resident who has authorized the installation and use 467  
of an electronic monitoring device may withdraw that 468  
authorization at any time. 469

**Sec. 5123.1910.** (A) If a resident wishing to conduct 470  
authorized electronic monitoring of the resident's room lives 471  
with another resident in a residential facility, the consent of 472  
the other resident or other resident's guardian to the 473  
installation and use of an electronic monitoring device in the 474  
room is required before any installation or use of such a device 475  
may occur. The other resident or other resident's guardian shall 476  
consent by completing the relevant part of the form described in 477  
section 5123.1911 of the Revised Code. 478

(B) (1) If a resident living in a room with another 479  
resident wishes to conduct authorized electronic monitoring of 480  
the resident's room, but the other resident or other resident's 481  
guardian refuses to consent to the installation and use of an 482  
electronic monitoring device, the residential facility shall 483  
make a reasonable attempt to accommodate the resident wishing to 484

conduct authorized electronic monitoring by moving either 485  
resident to another available room. 486

(2) In the case of a resident living in a room with 487  
another resident, the other resident or other resident's 488  
guardian may place conditions on any consent to the installation 489  
and use of an electronic monitoring device, including conditions 490  
such as pointing the device away from the other resident or 491  
limiting or prohibiting the use of certain devices. If 492  
conditions are placed on consent, the device shall be installed 493  
and used according to those conditions. 494

(C) A resident whose consent is required under this 495  
section may withdraw that consent at any time. 496

**Sec. 5123.1911.** The director of developmental disabilities 497  
shall prescribe a form for use by a resident or resident's 498  
guardian seeking to authorize the installation and use of an 499  
electronic monitoring device in the resident's room in a 500  
residential facility. The form shall include all of the 501  
following: 502

(A) An explanation of sections 5123.199 to 5123.1916 of 503  
the Revised Code; 504

(B) An acknowledgment that the resident or resident's 505  
guardian has consented to the installation and use of the device 506  
in the resident's room; 507

(C) In the case of a resident who lives in a room with 508  
another resident, an acknowledgment that the other resident or 509  
other resident's guardian has consented to the installation and 510  
use of the device and a description of any conditions placed on 511  
that consent pursuant to division (B)(2) of section 5123.1910 of 512  
the Revised Code; 513

(D) A section for providing the residential facility with 514  
information regarding the type, function, and use of the device 515  
to be installed and used; 516

(E) A section stating that the residential facility is 517  
released from liability in any civil or criminal action or 518  
administrative proceeding for a violation of the resident's 519  
right to privacy in connection with using the device. 520

**Sec. 5123.1912.** A residential facility shall post a notice 521  
in a conspicuous place at the entrance to a resident's room with 522  
an electronic monitoring device stating that an electronic 523  
monitoring device is in use in that room. 524

**Sec. 5123.1913.** Each residential facility shall submit an 525  
annual report to the department of developmental disabilities 526  
detailing the number of authorized electronic monitoring devices 527  
that are in use in residents' rooms at the residential facility. 528

**Sec. 5123.1914.** No person or resident shall be denied 529  
admission to or discharged from a residential facility or 530  
otherwise discriminated or retaliated against because of the 531  
decision to authorize the installation and use of an electronic 532  
monitoring device in a resident's room at a residential 533  
facility. 534

**Sec. 5123.1915.** No person other than the resident or 535  
resident's guardian who authorized the installation and use of 536  
an electronic monitoring device in the resident's room in a 537  
residential facility shall intentionally obstruct, tamper with, 538  
or destroy the device or a recording made by the device. 539

**Sec. 5123.1916.** The director of developmental disabilities 540  
shall adopt rules in accordance with Chapter 119. of the Revised 541  
Code as necessary to implement sections 5123.199 to 5123.1915 of 542

the Revised Code. 543

**Sec. 5123.99.** (A) Whoever violates section 5123.16, 544  
5123.1915, or 5123.20 of the Revised Code is guilty of a 545  
misdemeanor of the first degree. 546

(B) Whoever violates division (C), (E), or (G) (3) of 547  
section 5123.61 of the Revised Code is guilty of a misdemeanor 548  
of the fourth degree or, if the abuse or neglect constitutes a 549  
felony, a misdemeanor of the second degree. In addition to any 550  
other sanction or penalty authorized or required by law, if a 551  
person who is convicted of or pleads guilty to a violation of 552  
division (C), (E), or (G) (3) of section 5123.61 of the Revised 553  
Code is a developmental disabilities employee, as defined in 554  
section 5123.50 of the Revised Code, the offender shall be 555  
eligible to be included in the registry regarding 556  
misappropriation, abuse, neglect, or other specified misconduct 557  
by developmental disabilities employees established under 558  
section 5123.52 of the Revised Code. 559

(C) Whoever violates section 5123.1914 of the Revised Code 560  
shall be fined one thousand dollars for each offense. 561

**Section 2.** That existing sections 5123.19 and 5123.99 of 562  
the Revised Code are hereby repealed. 563