

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2653

(Reference to printed bill)

1 Page 3, lines 9 and 10, strike "rules; policies" insert "notice; written
2 permission"

3 Strike lines 11 through 44

4 Page 4, strike lines 1 through 36, insert:

5 "A. A RESIDENT OF A NURSING CARE INSTITUTION OR AN ASSISTED LIVING
6 FACILITY OR A RESIDENT'S RESPONSIBLE PERSON MAY INSTALL ELECTRONIC
7 MONITORING OF THE RESIDENT IN THE RESIDENT'S PRIVATE LIVING SPACE. IF THE
8 RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON AGREES TO THE INSTALLATION OF
9 ELECTRONIC MONITORING DEVICES, AN OWNER OR MANAGER MAY NOT PREVENT THE
10 RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON FROM INSTALLING AND PAYING
11 FOR THE COST OF ELECTRONIC MONITORING DEVICES. THE RESIDENT OR THE
12 RESIDENT'S RESPONSIBLE PERSON WHO INSTALLS AND PAYS FOR THE ELECTRONIC
13 MONITORING DEVICES IS RESPONSIBLE FOR THE MAINTENANCE, INTERNET SERVICES,
14 IF APPLICABLE, AND REPAIRS OF THOSE ELECTRONIC MONITORING DEVICES. THE
15 OWNER OR MANAGER MAY NOT ACCESS THE ELECTRONIC RECORD OF ELECTRONIC
16 MONITORING DEVICES INSTALLED PURSUANT TO THIS SUBSECTION UNLESS THE
17 RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON PROVIDES ACCESS. A RESIDENT
18 OR A RESIDENT'S RESPONSIBLE PERSON IS RESPONSIBLE FOR POSTING NOTICE IN A
19 CONSPICUOUS PLACE THAT AN ELECTRONIC MONITORING DEVICE IS IN USE IN THE
20 RESIDENT'S PRIVATE LIVING SPACE.

21 B. IF A RESIDENT SHARES A PRIVATE LIVING SPACE WITH AT LEAST ONE
22 ROOMMATE AND THE RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON WANTS TO
23 INSTALL ELECTRONIC MONITORING OF THE RESIDENT IN THE PRIVATE LIVING SPACE
24 OF THE RESIDENT, THE RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON SHALL:

1 1. OBTAIN WRITTEN PERMISSION TO INSTALL ELECTRONIC MONITORING IN THE
2 SHARED PRIVATE LIVING SPACE FROM EACH ROOMMATE OF THE RESIDENT OR EACH
3 ROOMMATE'S RESPONSIBLE PERSON.

4 2. NOT INSTALL THE ELECTRONIC MONITORING DEVICE IF WRITTEN
5 PERMISSION IS NOT RECEIVED FROM EACH ROOMMATE OR THE RESPONSIBLE PERSON OF
6 EACH ROOMMATE.

7 3. PROVIDE THE WRITTEN PERMISSION TO THE NURSING CARE INSTITUTION OR
8 ASSISTED LIVING FACILITY, IF REQUESTED BY THE NURSING CARE INSTITUTION OR
9 ASSISTED LIVING FACILITY.

10 4. IF THERE IS A CHANGE IN A ROOMMATE IN THE PRIVATE LIVING SPACE,
11 OBTAIN WRITTEN PERMISSION FROM EACH NEW ROOMMATE, OR THE ROOMMATE'S
12 RESPONSIBLE PERSON, OF THE RESIDENT. PREVIOUS AGREEMENTS BETWEEN PAST
13 ROOMMATES DO NOT APPLY AND PERMISSION MUST BE OBTAINED FROM ALL NEW
14 ROOMMATES OR THE ROOMMATE'S RESPONSIBLE PERSON.

15 5. IF A ROOMMATE REQUESTS TO NO LONGER PROVIDE PERMISSION FOR
16 ELECTRONIC MONITORING, BE RESPONSIBLE FOR DEACTIVATING THE ELECTRONIC
17 MONITORING DEVICE IMMEDIATELY WHEN WRITTEN NOTICE IS PROVIDED TO THE
18 RESIDENT OR THE RESIDENT'S RESPONSIBLE PERSON REQUESTING TO RESCIND
19 PERMISSION FOR ELECTRONIC MONITORING.

20 6. IF A ROOMMATE REQUESTS TO PROVIDE PERMISSION FOR ELECTRONIC
21 MONITORING, BE RESPONSIBLE FOR OBTAINING PERMISSION FOR ELECTRONIC
22 MONITORING FROM THE ROOMMATE.

23 7. SPECIFY IN THE AGREEMENT BETWEEN ROOMMATES REGARDING ELECTRONIC
24 MONITORING WHO HAS ACCESS TO ELECTRONIC MONITORING AND HOW THEY CAN ACCESS
25 ELECTRONIC MONITORING.

26 C. THE NURSING CARE INSTITUTION OR THE ASSISTED LIVING FACILITY IS
27 NOT RESPONSIBLE FOR GAINING PERMISSION FOR THE USE OF ELECTRONIC MONITORING
28 DEVICES IN THE PRIVATE LIVING SPACE OF A RESIDENT. THE NURSING CARE
29 INSTITUTION OR ASSISTED LIVING FACILITY IS NOT LEGALLY LIABLE FOR THE USE
30 OF AN ELECTRONIC MONITORING DEVICE INSTALLED BY A RESIDENT OR RESIDENT'S
31 RESPONSIBLE PERSON IN THE RESIDENT'S PRIVATE LIVING SPACE.

1 D. FOR THE PURPOSES OF THIS SECTION, "ELECTRONIC MONITORING DEVICE":
2 1. MEANS A VIDEO SURVEILLANCE CAMERA OR AUDIO DEVICE THAT IS
3 INSTALLED IN THE PRIVATE LIVING SPACE OF A RESIDENT OF A NURSING CARE
4 INSTITUTION OR AN ASSISTED LIVING FACILITY.
5 2. DOES NOT INCLUDE AN ELECTRONIC, MECHANICAL OR OTHER DEVICE THAT
6 IS SPECIFICALLY USED FOR THE NONCONSENSUAL INTERCEPTION OF WIRE OR
7 ELECTRONIC COMMUNICATIONS."

8 Page 6, strike lines 18 through 20, insert:

9 "2. A PHYSICAL ALTERCATION BETWEEN AT LEAST TWO RESIDENTS.
10 3. A PHYSICAL ALTERCATION BETWEEN A RESIDENT AND A STAFF MEMBER THAT
11 IS INITIATED BY THE RESIDENT."

12 Line 22, after "NOTICE" insert "AND THE RESIDENT'S CARE PLAN INCLUDES THE
13 INABILITY FOR THE RESIDENT TO LEAVE THE ASSISTED LIVING FACILITY WITHOUT
14 SUPERVISION OR NOTICE"

15 Line 30, after the period insert "THE DEPARTMENT MAY DETERMINE HOW AN ASSISTED
16 LIVING FACILITY SHALL MEET THE REQUIREMENTS OF THIS SUBSECTION AND
17 SUBSECTION A OF THIS SECTION.

18 C. AN ASSISTED LIVING FACILITY SHALL REPORT TO A FAMILY MEMBER OR
19 REPRESENTATIVE OF THE RESIDENT WHO IS DESIGNATED TO RECEIVE SUCH REPORTS IF
20 THE RESIDENT REFUSES TO EAT OR DRINK LIQUIDS FOR AT LEAST TWO DAYS IN A
21 ROW."

22 Reletter to conform

23 Line 32, after the quotation mark insert ":

24 1."

25 Line 33, strike "1." insert "(a)"

26 Line 34, after "TREATMENT" strike remainder of line

27 Line 35, strike "LIVING FACILITY, INCLUDING MEDICAL INTERVENTIONS"

28 Line 36, strike ", URGENT CARE, HOSPITALIZATIONS AND TELEHEALTH TREATMENT"
29 insert ", RESULTS IN AN EMERGENCY ROOM VISIT OR RESULTS IN A
30 HOSPITALIZATION"

31 Strike lines 37 through 40

32 Line 41, strike "3." insert "(b)"

1 Page 6, strike line 44, insert:

2 "(c) A FALL IN WHICH A RESIDENT CANNOT REASONABLY RECOVER
3 INDEPENDENTLY.

4 2. DOES NOT INCLUDE MEDICAL INTERVENTION OR TREATMENT THAT IS
5 INITIATED BY THE RESIDENT OR THE RESIDENT'S FAMILY MEMBER OR
6 REPRESENTATIVE."

7 Amend title to conform

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C: MH