

HOUSE BILL No. 5603

February 7, 2002, Introduced by Reps. Lemmons, Hale, Clarke, Anderson, Hardman and Stallworth and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 21788.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 21788. (1) A NURSING HOME SHALL PERMIT A RESIDENT OR
2 THE RESIDENT'S LEGAL REPRESENTATIVE TO MONITOR THE RESIDENT
3 THROUGH THE USE OF AN ELECTRONIC MONITORING DEVICE IF ALL OF THE
4 FOLLOWING REQUIREMENTS ARE MET:

5 (A) THE MONITORING IS COMPLETELY VOLUNTARY AND IS CONDUCTED
6 AT THE ELECTION OF THE RESIDENT OR THE RESIDENT'S LEGAL
7 REPRESENTATIVE.

8 (B) ALL COSTS OF THE MONITORING, INCLUDING, BUT NOT LIMITED
9 TO, THE COST OF THE ELECTRONIC MONITORING DEVICE AND ITS
10 INSTALLATION, ARE PAID BY THE RESIDENT OR THE RESIDENT'S LEGAL
11 REPRESENTATIVE.

1 (C) THE MONITORING IS CONDUCTED IN A MANNER THAT PROTECTS
2 THE PRIVACY OF OTHER RESIDENTS AND VISITORS TO THE NURSING HOME
3 TO THE EXTENT REASONABLY POSSIBLE.

4 (D) THERE IS A NOTICE POSTED ON THE DOOR OF THE RESIDENT'S
5 ROOM STATING THAT THE ROOM IS BEING MONITORED BY AN ELECTRONIC
6 MONITORING DEVICE.

7 (2) A NURSING HOME SHALL MAKE REASONABLE ACCOMMODATION FOR
8 ELECTRONIC MONITORING BY PROVIDING ALL OF THE FOLLOWING:

9 (A) A REASONABLY SECURE PLACE TO MOUNT THE ELECTRONIC MONI-
10 TORING DEVICE.

11 (B) ACCESS TO A POWER SOURCE FOR THE ELECTRONIC MONITORING
12 DEVICE.

13 (C) NOTICE TO ALL RESIDENTS OF THE RIGHT TO INSTALL AN ELEC-
14 TRONIC MONITORING DEVICE.

15 (3) A NURSING HOME SHALL NOT REFUSE TO ADMIT AN INDIVIDUAL
16 AS A RESIDENT OF OR REMOVE A RESIDENT FROM THE NURSING HOME
17 BECAUSE OF A REQUEST TO INSTALL AN ELECTRONIC MONITORING DEVICE.

18 (4) A NURSING HOME MAY REQUIRE A RESIDENT OR THE RESIDENT'S
19 LEGAL REPRESENTATIVE WHO WISHES TO INSTALL AN ELECTRONIC MONITOR-
20 ING DEVICE TO MAKE THE REQUEST IN WRITING.

21 (5) SUBJECT TO THE MICHIGAN RULES OF EVIDENCE, A TAPE OR
22 OTHER RECORDING CREATED BY AN ELECTRONIC MONITORING DEVICE UNDER
23 THIS SECTION IS ADMISSIBLE IN EITHER A CIVIL OR A CRIMINAL ACTION
24 BROUGHT IN A COURT IN THIS STATE.

25 (6) AS USED IN THIS SECTION, "ELECTRONIC MONITORING DEVICE"
26 MEANS A VIDEO SURVEILLANCE CAMERA, AN AUDIO DEVICE, A VIDEO
27 TELEPHONE, AN INTERNET VIDEO SURVEILLANCE DEVICE, OR A SIMILAR

1 DEVICE DESIGNED TO CAPTURE THE AUDIO RECORDINGS OR VISUAL IMAGES
2 OF ITS SURROUNDINGS.