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NURSING HOMES: ALLOW ELECTRONIC MONITORING DEVICES

House Bill 4138

Sponsor: Rep. Steven Bieda

Committee: Senior Health, Security and
Retirement

Complete to 3-11-03

A SUMMARY OF HOUSE BILL 4138 AS INTRODUCED 2-4-03

The bill would add a new section to the Public Health Code to allow a resident of a nursing home or his or her legal representative to install video cameras or other electronic monitoring devices in his or her room. The bill would define an electronic monitoring device as a video surveillance camera, an audio device, a video telephone, an Internet video surveillance device, or a similar device that is designed to capture the audio recordings or visual images of its surroundings.

A nursing home would have to permit a resident or his or her legal representative to monitor the resident through the use of a device if all of the following requirements were met:

- The monitoring was completely voluntary and conducted at the election of the resident or the resident's legal representative.
- All costs of the monitoring, including, but not limited to, the cost of the device and its installation, was paid by the resident or the resident's legal representative.
- As reasonably possible, the monitoring was conducted in a manner to protect the privacy of other residents and visitors to the nursing home.
- A notice was posted on the door of the resident's room stating that the room was being monitored.

Nursing homes would have to make reasonable accommodations for electronic monitoring by providing a reasonably secure place to mount the device, access to a power source for the device, and notice to all residents of the right to install a device. A resident could not be refused admission to a nursing home, nor could he or she be removed, because of a request to install a device. However, a nursing home could require a request to install an electronic monitoring device to be made in writing. Subject to the Michigan Rules of Evidence, a tape or other recording created by one of these devices would be admissible in either a civil or criminal action brought in a state court.

MCL 333.21788

Analyst: S. Stutzky

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