

HOUSE BILL No. 4138

February 4, 2003, Introduced by Reps. Bieda, Gleason, Brandenburg, Vagnozzi, Accavitti, Farrah, Spade, Phillips, Anderson and Minore 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 the
2 privacy of other residents and visitors to the nursing home to
3 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
10 monitoring 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
14 electronic monitoring device.

15 (3) A nursing home shall not refuse to admit an individual as
16 a resident of or remove a resident from the nursing home because
17 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
20 monitoring 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.