



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## USE OF ELECTRONIC MONITORING IN NURSING HOMES

House Bill 5603

Sponsor: Rep. LaMar Lemmons III

Committee: Senior Health, Security and  
Retirement

Complete to 2-8-02

### A SUMMARY OF HOUSE BILL 5603 AS INTRODUCED 2-7-02

The bill would amend the Public Health Code to require nursing homes to permit residents (or their legal representatives) to use electronic monitoring devices to monitor residents' care. An electronic monitoring device would include a video camera, audio device, video telephone, Internet surveillance device, or a similar device designed to capture audio recordings or visual images. A nursing home would be permitted to require that such requests be made in writing.

Under the bill, electronic monitoring could be used if:

- the monitoring was completely voluntary and was conducted at the request of the resident or his or her legal representative;
- all costs were paid by the resident;
- the monitoring was conducted in a manner that protected the privacy of other residents and visitors to the extent reasonably possible; and,
- there was a notice posted on the door of the resident's room stating that the room was being monitored.

A nursing home would have to make reasonable accommodation for electronic monitoring by providing a reasonably secure place to mount the monitoring equipment, access to a power source, and notice to all residents of their right to install such monitoring devices.

A nursing home could not refuse to admit a person, nor remove a resident from a home, because of a request to install an electronic monitoring device.

Subject to the Michigan Rules of Evidence, a tape or other recording created by an electronic monitoring device as permitted by the bill would be admissible in civil and criminal actions.

MCL 333.21788

Analyst: D. Martens

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