

# HOUSE BILL No. 4044

January 27, 2005, Introduced by Reps. Lemmons, Jr. and Lemmons, III 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 THE  
2           RESIDENT'S LEGAL REPRESENTATIVE TO MONITOR THE RESIDENT THROUGH THE  
3           USE OF AN ELECTRONIC MONITORING DEVICE IF ALL OF THE FOLLOWING  
4           REQUIREMENTS ARE MET:

5           (A) THE MONITORING IS COMPLETELY VOLUNTARY AND IS CONDUCTED AT  
6           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

1 INSTALLATION, ARE PAID BY THE RESIDENT OR THE RESIDENT'S LEGAL  
2 REPRESENTATIVE.

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

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

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

11 (A) A REASONABLY SECURE PLACE TO MOUNT THE ELECTRONIC  
12 MONITORING DEVICE.

13 (B) ACCESS TO A POWER SOURCE FOR THE ELECTRONIC MONITORING  
14 DEVICE.

15 (C) NOTICE TO ALL RESIDENTS OF THE RIGHT TO INSTALL AN  
16 ELECTRONIC MONITORING DEVICE.

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

20 (4) A NURSING HOME MAY REQUIRE A RESIDENT OR THE RESIDENT'S  
21 LEGAL REPRESENTATIVE WHO WISHES TO INSTALL AN ELECTRONIC MONITORING  
22 DEVICE TO MAKE THE REQUEST IN WRITING.

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

27 (6) AS USED IN THIS SECTION, "ELECTRONIC MONITORING DEVICE"

1 MEANS A VIDEO SURVEILLANCE CAMERA, AN AUDIO DEVICE, A VIDEO  
2 TELEPHONE, AN INTERNET VIDEO SURVEILLANCE DEVICE, OR A SIMILAR  
3 DEVICE DESIGNED TO CAPTURE THE AUDIO RECORDINGS OR VISUAL IMAGES OF  
4 ITS SURROUNDINGS.