



Senate Fiscal Agency  
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Senate Bill 77 (Substitute S-2 as reported)  
Sponsor: Senator Jim Runestad  
Committee: Health Policy and Human Services

### **CONTENT**

The bill would amend the Public Health Code to do the following:

- Require a nursing home to allow a resident or his or her representative to monitor the resident using an electronic monitoring device if certain requirements were met.
- Require a nursing home to make the accommodations for electronic monitoring prescribed in the bill.
- Prohibit a nursing home from refusing to admit an individual, or removing a resident, because of a request to install an electronic monitoring device.
- Prescribe the process for requesting the use of an electronic monitoring device.
- Specify that a person could not retain or store a tape or other recording created by an electronic monitoring device under the bill for more than 12 months, except under the circumstances prescribed in the bill.
- Specify that, subject to Michigan Rules of Evidence, a tape or other recording created by an electronic monitoring device under the bill would be admissible in either a civil or a criminal action brought in a court in the State.
- Provide the process for a resident to revoke his or her election for the use of an electronic monitoring device.
- Require a nursing home to establish a written policy to implement the bill's provisions.
- Allow the Department of Licensing and Regulatory Affairs to promulgate rules to implement, administer, and enforce the bill's proposed provisions, and in promulgation, require the Department to consider similar rules of other States.
- Specify that the bill would not alter, abrogate, or limit a resident's right to otherwise use a device to record audio or video in the resident's room pursuant to the law.

The bill would take effect on June 1, 2021.

MCL 333.20199 et al.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 6-15-20

Fiscal Analyst: Joe Carrasco