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Senate Bill 77 (as introduced 1-29-19)  
Sponsor: Senator Jim Runestad  
Committee: Health Policy and Human Services

Date Completed: 1-23-20

### **CONTENT**

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

- **Require a nursing home to permit a resident or the resident's 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.**
- **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.**

The bill would take effect 90 days after its enactment.

Under the bill, a nursing home would have to permit a resident or his or her representative to monitor the resident through the use of an electronic monitoring device if all of the following requirements were met:

- The monitoring was completely voluntary and was conducted at the election of the resident and, if required for approval, his or her representative.
- All costs of the monitoring, including the cost of the electronic monitoring device and its installation, were paid by the resident or the resident's representative.
- There was a notice posted on the door of the resident's room stating that the room was being monitored by an electronic monitoring device.

In addition, the monitoring would have to be conducted in a manner that protected the privacy of other residents and visitors to the nursing home to the extent reasonably possible. If a resident or his or her representative wished to install an electronic monitoring device in the resident's room, and if the resident shared the room with another resident, the written consent of the other resident or his or her representative would have to be obtained before the electronic monitoring device was installed.

A nursing home would have to make reasonable accommodation for electronic monitoring by providing all of the following:

- A reasonably secure place to mount the electronic monitoring device.
- Access to a power source for the device.

-- Notice to all residents of the right to install an electronic monitoring device.

A nursing home could not refuse to admit an individual as a resident or remove a resident from the nursing home because of a request to install an electronic monitoring device. A nursing home could require a resident or his or her representative who wished to install an electronic monitoring device to make the request in writing.

MCL 333.20199 et al.

Legislative Analyst: Tyler VanHuyse

**FISCAL IMPACT**

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

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.