

SENATE BILL NO. 77

January 29, 2019, Introduced by Senators RUNESTAD, LUCIDO, JOHNSON and HORN and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20199 (MCL 333.20199) and by adding section
21788.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20199. (1) Except as **otherwise** provided in ~~subsection (2)~~
2 ~~or section 20142,~~ **this article**, a person who violates this article
3 or a rule promulgated or an order issued under this article is
4 guilty of a misdemeanor, punishable by fine of not more than

1 \$1,000.00 for each day the violation continues or, ~~in case of~~ **for** a
2 violation of sections 20551 to 20554, a fine of not more than
3 \$1,000.00 for each occurrence.

4 (2) A person who violates sections 20181 to 20184 is guilty of
5 a misdemeanor ~~punishable~~ by imprisonment for not more than 6
6 months, or a fine of not more than \$2,000.00, or both.

7 **Sec. 21788. (1) A nursing home shall permit a resident or the**
8 **resident's representative to monitor the resident through the use**
9 **of an electronic monitoring device if all of the following**
10 **requirements are met:**

11 (a) The monitoring is completely voluntary and is conducted at
12 the election of the resident and, if required for approval, the
13 resident's representative.

14 (b) All costs of the monitoring, including, but not limited
15 to, the cost of the electronic monitoring device and its
16 installation, are paid by the resident or the resident's
17 representative.

18 (c) The monitoring is conducted in a manner that protects the
19 privacy of other residents and visitors to the nursing home to the
20 extent reasonably possible. If a resident or the resident's
21 representative wishes to install an electronic monitoring device in
22 the resident's room, and if the resident shares the room with
23 another resident, the written consent of the other resident or his
24 or her representative must be obtained before the electronic
25 monitoring device is installed.

26 (d) There is a notice posted on the door of the resident's
27 room stating that the room is being monitored by an electronic
28 monitoring device.

29 (2) A nursing home shall make reasonable accommodation for

1 electronic monitoring by providing all of the following:

2 (a) A reasonably secure place to mount the electronic
3 monitoring device.

4 (b) Access to a power source for the electronic monitoring
5 device.

6 (c) Notice to all residents of the right to install an
7 electronic monitoring device.

8 (3) A nursing home shall not refuse to admit an individual as
9 a resident of or remove a resident from the nursing home because of
10 a request to install an electronic monitoring device.

11 (4) A nursing home may require a resident or the resident's
12 representative who wishes to install an electronic monitoring
13 device to make the request in writing.

14 (5) Subject to the Michigan rules of evidence, a tape or other
15 recording created by an electronic monitoring device under this
16 section is admissible in either a civil or a criminal action
17 brought in a court in this state.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.