

HOUSE BILL No. 6192

June 12, 2018, Introduced by Rep. Runestad and referred to the Committee on Health Policy.

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
5 \$1,000.00 for each day the violation continues or, ~~in case of~~ **FOR** a
6 violation of sections 20551 to 20554, a fine of not more than
7 \$1,000.00 for each occurrence.

8 (2) A person who violates sections 20181 to 20184 is guilty of

1 a misdemeanor ~~is~~ punishable by imprisonment for not more than 6
2 months, or a fine of not more than \$2,000.00, or both.

3 SEC. 21788. (1) A NURSING HOME SHALL PERMIT A RESIDENT OR THE
4 RESIDENT'S REPRESENTATIVE TO MONITOR THE RESIDENT THROUGH THE USE
5 OF AN ELECTRONIC MONITORING DEVICE IF ALL OF THE FOLLOWING
6 REQUIREMENTS ARE MET:

7 (A) THE MONITORING IS COMPLETELY VOLUNTARY AND IS CONDUCTED AT
8 THE ELECTION OF THE RESIDENT AND, IF REQUIRED FOR APPROVAL, THE
9 RESIDENT'S REPRESENTATIVE.

10 (B) ALL COSTS OF THE MONITORING, INCLUDING, BUT NOT LIMITED
11 TO, THE COST OF THE ELECTRONIC MONITORING DEVICE AND ITS
12 INSTALLATION, ARE PAID BY THE RESIDENT OR THE RESIDENT'S
13 REPRESENTATIVE.

14 (C) THE MONITORING IS CONDUCTED IN A MANNER THAT PROTECTS THE
15 PRIVACY OF OTHER RESIDENTS AND VISITORS TO THE NURSING HOME TO THE
16 EXTENT REASONABLY POSSIBLE. IF A RESIDENT OR THE RESIDENT'S
17 REPRESENTATIVE WISHES TO INSTALL AN ELECTRONIC MONITORING DEVICE IN
18 THE RESIDENT'S ROOM, AND IF THE RESIDENT SHARES THE ROOM WITH
19 ANOTHER RESIDENT, THE WRITTEN CONSENT OF THE OTHER RESIDENT OR HIS
20 OR HER REPRESENTATIVE MUST BE OBTAINED BEFORE THE ELECTRONIC
21 MONITORING DEVICE IS INSTALLED.

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

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

27 (A) A REASONABLY SECURE PLACE TO MOUNT THE ELECTRONIC

1 MONITORING DEVICE.

2 (B) ACCESS TO A POWER SOURCE FOR THE ELECTRONIC MONITORING
3 DEVICE.

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

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

9 (4) A NURSING HOME MAY REQUIRE A RESIDENT OR THE RESIDENT'S
10 REPRESENTATIVE WHO WISHES TO INSTALL AN ELECTRONIC MONITORING
11 DEVICE TO MAKE THE REQUEST IN WRITING.

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

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