

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2309

By: Hamilton

AS INTRODUCED

An Act relating to public health and safety; requiring certain physicians to view and examine certain bodies prior to signing a death certificate; authorizing the use of electronic monitoring devices in nursing facilities; requiring authorization; requiring posting of notice; requiring certain accommodations; prohibiting certain actions; requiring responsibility for maintenance and costs; providing for promulgation of rules; providing contents; providing for use of tape or recording by agencies and courts; prohibiting certain actions; making certain actions unlawful; defining terms; providing for promulgation of rules for reimbursement to nursing facilities; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1931.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any physician required to sign a death certificate pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes for the death of a resident of a nursing facility shall personally view and examine the body of the resident prior to signing the death certificate.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1919.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. A nursing facility shall permit a resident or the resident's guardian or legal representative to monitor the room of the resident through the use of electronic monitoring devices pursuant to this section.

2. The nursing facility shall require a resident who conducts authorized electronic monitoring or the resident's guardian or legal representative to post and maintain a conspicuous notice at the entrance to the resident's room. The notice must state that the room is being monitored by an electronic monitoring device.

3. The resident or the resident's guardian or legal representative shall pay for all costs associated with conducting electronic monitoring. The resident or the resident's guardian or legal representative is responsible for:

- a. all costs associated with installation of equipment,
and
- b. maintaining the equipment.

4. A facility shall require an electronic monitoring device to be installed in a manner that is safe for residents, employees, or visitors who may be moving about the room.

B. The State Board of Health shall promulgate rules regarding:

1. Privacy of the resident, other residents of the room or other residents of the facility;

2. The safe placement of an electronic monitoring device;

3. The format and precise content of any notice required pursuant to this section; and

4. Such other information or content deemed necessary by the Board.

C. As used in this section:

1. "Authorized electronic monitoring" means the placement of an electronic monitoring device in the room of a resident of an institution and making tapes or recordings with the device; and

2. "Electronic monitoring device":

a. shall include:

- (1) video surveillance cameras installed in the room of a resident, and

(2) audio devices installed in the room of a resident designed to acquire communications or other sounds occurring in the room, and

b. shall not include an electronic, mechanical, or other device that is specifically used for the nonconsensual interception of wire or electronic communications.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5022.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority shall promulgate rules which shall provide for reimbursement to nursing facilities serving adults (NFs) and reimbursement to intermediate care facilities for the mentally retarded (ICFs/MR) for Medicaid patients based on rates that are reasonable and adequate to meet the costs which must be incurred to efficiently and economically operate those facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety.

SECTION 4. This act shall become effective November 1, 2004.

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