

1 ENGROSSED SENATE
2 BILL NO. 587

By: Justice, Johnson
(Constance), and Fields of
the Senate

3
4 and

5 Wright and Pittman of the
6 House

7
8 An Act relating to public health; providing
9 definitions; authorizing noncompulsory electronic
10 recording of residents of nursing facilities;
11 prohibiting certain restrictions on residents;
12 prohibiting tampering with electronic recording
13 devices; providing penalties for violations;
14 requiring resident permission for disclosure of
15 certain information; permitting certain information
16 to be used for legal proceedings; providing for
17 codification; and providing an effective date.

18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-1953.1 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Authorized electronic monitoring" means the placement of
electronic monitoring devices in the common areas or rooms of
residents of a nursing facility and recordings with the devices
pursuant to the provisions of this act; and

1 2. "Electronic monitoring device" means video surveillance
2 cameras installed in the common areas or residents' rooms.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-1953.2 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 A. A nursing facility shall provide notice to current and
7 prospective residents, or legal representatives thereof, that
8 authorized electronic monitoring of a resident's room conducted
9 under this act is not compulsory and shall only be conducted with
10 the consent of the resident, residents, or legal representatives
11 thereof.

12 B. A nursing facility shall not refuse to admit an individual
13 to residency in the facility and shall not remove a resident from a
14 facility because of authorized electronic monitoring of a resident's
15 room.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1953.3 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. No person or entity shall intentionally hamper, obstruct,
20 tamper with, or destroy an electronic monitoring device installed in
21 a nursing facility.

22 B. Any person or entity that intentionally hampers, obstructs,
23 tampers with, or destroys a recording or an electronic monitoring
24 device installed in a nursing facility shall be subject to the

1 penalties prescribed in Section 1993 of Title 21 of the Oklahoma
2 Statutes.

3 C. No person or entity shall intercept a communication or
4 disclose or use an intercepted communication of an electronic
5 monitoring device placed or installed in a common area of a nursing
6 facility without the express consent of the facility, or, for an
7 electronic monitoring device installed in a resident's room, the
8 express consent of the resident or legal representatives thereof.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1-1953.4 of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 Subject to the provisions of law, a tape or recording created
13 through the use of authorized electronic monitoring pursuant to this
14 act may be admitted into evidence in a civil or criminal court
15 action or administrative proceeding.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-1953.5 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 Nothing in this act shall be construed to prevent a resident or
20 resident's legal representative from placing an electronic
21 monitoring device in the resident's room at the expense of such
22 person and with the consent of all other residents, or legal
23 representatives thereof, living in the room.

24 SECTION 6. This act shall become effective November 1, 2013.

1 Passed the Senate the 12th day of March, 2013.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2013.

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8 _____
9 Presiding Officer of the House
10 of Representatives