

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB587 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting in their entirety Sections 1, 2, 3 and 5, by replacing in lieu thereof Sections 1, 2, 3, 5, 6 and 7 as attached, and by renumbering the subsequent number.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Harold Wright

Adopted: _____

Reading Clerk

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

4 As used in this act:

5 1. "Authorized electronic monitoring" means the placement of
6 electronic monitoring devices in the common areas or rooms of a
7 resident of a nursing facility and the tapes or recordings from such
8 devices pursuant to the provisions of this act;

9 2. "Authorized electronic monitoring devices" means:

10 a. video surveillance cameras installed in the common
11 areas or residents' rooms under the provisions of this
12 act, or

13 b. audio devices installed in the room of a resident
14 under the provisions of this act that are designed to
15 acquire communications or other sounds occurring in
16 the room;

17 3. "Nursing facility" means the term as defined in Section 1-
18 1902 of Title 63 of the Oklahoma Statutes;

19 4. "Representative of a resident" means the term as is defined
20 in Section 1-1902 of Title 63 of the Oklahoma Statutes;

21 5. "Resident" means the term as is defined in Section 1-1902 of
22 Title 63 of the Oklahoma Statutes; and

23 6. "Unauthorized electronic monitoring" means electronic,
24 mechanical, or other devices that do not meet the provisions of this

1 act and that are specifically used for the nonconsensual
2 interception of wire or electronic communications.

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 written notice to each
7 resident, or to the representative of a resident, that authorized
8 electronic monitoring of a resident's room conducted under the
9 provisions of this act is not compulsory and shall only be conducted
10 with the written consent of the resident or the representative of
11 the resident.

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 C. A nursing facility shall post at or near its main entrances
17 a sign that clearly states that electronic monitoring and audio
18 devices may be in use in the facility.

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

22 A. No person or entity shall intentionally hamper, obstruct,
23 tamper with, or destroy an electronic monitoring device installed in
24 a nursing facility.

1 B. Any person or entity that intentionally hampers, obstructs,
2 tampers with, or destroys a recording or an electronic monitoring
3 device installed in a nursing facility shall be subject to the
4 penalties prescribed in Section 1993 of Title 21 of the Oklahoma
5 Statutes.

6 C. No person or entity shall intercept a communication or
7 disclose or use an intercepted communication of an electronic
8 monitoring device placed or installed in a common area of a nursing
9 facility without the express written consent of the facility, or,
10 for an electronic monitoring device installed in a resident's room,
11 the express written consent of the resident or the representative of
12 the resident.

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

16 A. A resident or the representative of a resident may conduct
17 authorized electronic monitoring of the resident's room through the
18 use of authorized electronic monitoring devices placed in the room
19 pursuant to the provisions of this act at the expense of such person
20 or representative of the resident and with the written consent of
21 any other resident living in the room.

22 B. A resident who conducts authorized electronic monitoring or
23 the representative of the resident may post and maintain a notice at
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1 the entrance to the resident's room stating that the room is being
2 monitored by an electronic monitoring device.

3 C. Nothing in this act shall be construed to prevent a resident
4 or the representative of the resident from placing an electronic
5 monitoring device in the resident's room at the expense of such
6 person; however, if such resident is sharing a room with any other
7 resident, the resident or the representative of the resident shall
8 obtain written consent from such other resident or the
9 representative of the resident living in the room and such consent
10 shall be on a form prescribed by the State Department of Health and
11 shall be placed on file with the administrator of the facility.

12 D. If a resident residing in a shared room, or the
13 representative of a resident residing in a shared room, desires to
14 utilize an authorized electronic monitoring device and another
15 resident living in such shared room refuses to consent to the use of
16 an authorized electronic monitoring device, the nursing facility
17 shall accommodate the resident or the representative of the resident
18 desiring to utilize an authorized electronic monitoring device to
19 move to another room if the resident or resident's representative
20 requests such a room change within a reasonable amount of time.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1-1953.6 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:
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1 A. A resident or representative of a resident who wishes to
2 conduct authorized electronic monitoring shall be required to notify
3 the nursing facility on the consent form prescribed by the State
4 Department of Health.

5 B. The consent form prescribed by the Department shall require
6 the resident or the representative of a resident to obtain the
7 consent of any other resident in the room or the representative of a
8 resident, using the consent form prescribed for this purpose by the
9 Department, if the resident resides in a room with another resident.

10 C. Consent may be given only:

- 11 1. By the resident or any other resident in the room; or
12 2. By the representative of the resident or representative of
13 any other resident in the room.

14 D. Another resident in the room may:

- 15 1. When the proposed electronic monitoring device is a video
16 surveillance camera, condition consent on the camera being pointed
17 away from the consenting resident; and
18 2. Condition consent on the use of an audio electronic
19 monitoring device being limited or prohibited.

20 E. Except as provided for in Section 7 of this act, authorized
21 electronic monitoring may begin only after the required consent
22 forms specified in this act have been completed and returned to the
23 nursing facility and placed on file with the administrator of such
24 facility.

1 F. If authorized electronic monitoring is being conducted in
2 the room of a resident, another resident may not be moved into the
3 room unless the resident or representative of the resident has
4 consented to the use of existing electronic monitoring, in
5 accordance with this act.

6 G. The Department may include other information that it
7 considers to be appropriate on any form it is required to prescribe
8 under the provisions of this act.

9 H. The Department shall prescribe the forms required by this
10 act no later than November 1, 2013, and shall make such forms
11 available on its website.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1-1953.7 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 Any resident or the representative of the resident utilizing
16 existing electronic monitoring devices prior to November 1, 2013,
17 shall comply with all written consent and disclosure provisions of
18 this act no later than January 1, 2014."

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20 54-1-7973 AM 04/22/13
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