

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 ENGROSSED SENATE
5 BILL NO. 587

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

6 and

7 Wright and Pittman of the
8 House

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

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

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

 As used in this act:

 1. "Authorized electronic monitoring" means the placement of
 electronic monitoring devices in the common areas or rooms of

1 residents of a nursing facility and recordings with the devices
2 pursuant to the provisions of this act; and

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

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

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

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

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

21 A. No person or entity shall intentionally hamper, obstruct,
22 tamper with, or destroy an electronic monitoring device installed in
23 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 consent of the facility, or, for an
10 electronic monitoring device installed in a resident's room, the
11 express consent of the resident or legal representatives thereof.

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

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

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

22 Nothing in this act shall be construed to prevent a resident or
23 resident's legal representative from placing an electronic
24 monitoring device in the resident's room at the expense of such

1 person and with the consent of all other residents, or legal
2 representatives thereof, living in the room.

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

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5 COMMITTEE REPORT BY: COMMITTEE ON LONG-TERM CARE AND SENIOR
6 SERVICES, dated 04/02/2013 - DO PASS, As Coauthored.

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