

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2113

Page 2, line 16, after the underscored period insert "Still cameras or devices typically used for the purpose of the resident having contact with another person, including cellular phones, are not an authorized electronic monitoring device, and are intended to be used only for communication and not to provide electronic monitoring of the resident."

Page 3, line 10, replace "is focused" with "shall be in a fixed, stationary position, and shall monitor"

Page 3, line 10, remove "on"

Page 3, line 11, remove "on"

Page 3, line 12, replace "protects" with "placement position shall protect"

Page 3, line 16, after "A" insert "visual"

Page 3, line 21, after "device" insert ". If a resident chooses to install an authorized electronic monitoring device that uses Internet technology for visual or audio monitoring, that resident is responsible for contracting with an Internet service provider. The device shall not be connected to the facility's network"

Page 3, line 23, after "3" insert "with a copy of this consent attached to the written notice given to the facility"

Page 3, replace lines 24 through 30 with:

"g. A facility is not civilly or criminally liable for a violation of a resident's right to privacy for any potential disclosure of protected health information as defined by title 45, Code of Federal Regulations, part 160, section 103, arising out of any authorized electronic monitoring conducted pursuant to this act. The resident or the resident's representative acknowledge by signing the consent forms the resident's privacy and protected health information may not be protected and may be at risk when authorized electronic monitoring is in use."

Page 4, replace lines 6 through 16 with:

"a. The consent of the other resident residing in the room or that resident's resident representative may limit the use of an authorized

electronic monitoring device to only audio or only video and limit the time of operation, direction, and focus.

- b. At any time, the other resident residing in the room or the resident's resident representative may withdraw, in writing, the consent for use of an authorized electronic monitoring device in the room and the authorized electronic monitoring device shall then be disabled by the resident or resident representative who initiated the use of the authorized electronic monitoring device."

Page 4, remove lines 17-20

Page 4, line 21, replace "5." with "4."

Page 4, line 25, remove "A reasonable attempt to accommodate includes the"

Page 4, remove lines 26 through 28

Page 4, line 29, replace "6." with "5."

Page 4, line 29, replace the second "the" with "and there will be a new resident residing in the room."

Page 4, remove line 30

Page 5, line 1, remove "unless the resident or resident representative has consented to the use of"

Page 5, line 2, after "monitoring" insert "device must be disabled until the new resident sharing the room gives consent for the use of an authorized electronic monitoring device"

Page 5, line 3, replace "7." with "6."

Page 5, line 7, replace "8." with "7."

Page 5, line 7, remove "at or near the facility's main"

Page 5, remove line 8

Page 5, line 9, remove "facility and at the entrance of a resident's room"

Page 5, line 10, after "conducted" insert "to alert and inform visitors"

Page 5, line 11, replace "9." with "8."

Page 5, line 14, replace "10." with "9."

Page 5, line 19, after the underscored period insert "In any civil, criminal, administrative proceeding, or survey process material obtained through the use of an

authorized electronic monitoring device shall not be used if the device was installed or used in violation of this subsection.”

Page 5, line 20, replace “11.” with “10.”

Renumber accordingly