

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1144 Session of
2011

INTRODUCED BY WATERS, M. O'BRIEN AND STABACK, MARCH 21, 2011

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MARCH
21, 2011

AN ACT

1 Providing for electronic monitoring in nursing homes, personal
2 care homes and assisted living facilities.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Electronic
7 Monitoring in Nursing Homes Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Nursing home." An institution or facility in which nursing
13 care and related medical or other health services are provided
14 for a period exceeding 24 hours, for two or more individuals,
15 who are not relatives of the administrator and who are not
16 acutely ill and not in need of hospitalization, but who, because
17 of age, illness, disease, injury, convalescence or physical or
18 mental infirmity need care.

1 "Nursing home administrator." An individual who is charged
2 with the general administration of a nursing home, whether or
3 not the individual has an ownership interest in the nursing home
4 and whether or not the administrator's functions and duties are
5 shared with one or more other individuals.

6 "Personal care home" or "assisted living facility." A
7 premises in which food, shelter and personal assistance or
8 supervision are provided for a period exceeding 24 hours for
9 four or more adults who are not relatives of the operators, who
10 do not require the services in or of a licensed long-term care
11 facility, but who require assistance or supervision in such
12 matters as dressing, bathing, diet, financial management,
13 evacuation of a residence in the event of an emergency or
14 medication prescribed for self-administration.

15 "Personal care home administrator" or "assisted living
16 facility administrator." An individual who is charged with the
17 general administration of a personal care home or assisted
18 living facility, whether or not the individual has an ownership
19 interest in the home or facility or the administrator's
20 functions and duties are shared with other individuals.

21 Section 3. Electronic monitoring in nursing homes, personal
22 care homes or assisted living facilities.

23 (a) General rule.--A nursing home, personal care home or
24 assisted living facility shall make reasonable physical
25 accommodation for electronic monitoring by providing:

26 (1) A reasonably secure place to mount the electronic
27 monitoring device.

28 (2) Access to power sources.

29 (b) Notice.--A nursing home, personal care home or assisted
30 living facility shall inform a resident of the nursing home,

1 personal care home or assisted living facility or the legal
2 representative of the resident of the resident's right to
3 electronic monitoring.

4 (c) Conditions.--

5 (1) A nursing home, personal care home or assisted
6 living facility may request a resident of the nursing home,
7 personal care home or assisted living facility or a
8 resident's personal representative to conduct electronic
9 monitoring within plain view.

10 (2) A resident of a nursing home, personal care home or
11 assisted living facility who wishes to install an electronic
12 monitoring device may be required by the nursing home
13 administrator, personal care home administrator or assisted
14 living facility administrator to make the request in writing.

15 Section 4. Admissibility of videotape as evidence.

16 Subject to the rules of evidence, a recording created through
17 the use of electronic monitoring shall be admissible in either a
18 civil or criminal action brought in a court of this
19 Commonwealth.

20 Section 5. Violation of act.

21 (a) Operation in violation.--A person who operates a nursing
22 home, personal care home or assisted living facility in
23 violation of this act commits a misdemeanor of the third degree
24 and shall, upon conviction, be sentenced to pay a fine of not
25 more than \$2,500 or to imprisonment of not more than one year,
26 or both.

27 (b) Tampering or destroying device or recording.--A person
28 who willfully and without the consent of a resident of a nursing
29 home, personal care home or assisted living facility hampers,
30 obstructs, tampers with or destroys an electronic monitoring

1 device or recording commits a misdemeanor of the third degree
2 and shall, upon conviction, be sentenced to pay a fine of not
3 more than \$2,500 or to imprisonment for not more than one year,
4 or both.

5 Section 6. Effective date.

6 This act shall take effect in 60 days.