
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1492 Session of
2007

INTRODUCED BY WATERS, BISHOP, OLIVER, JAMES, BLACKWELL, COHEN,
GIBBONS, KIRKLAND, KULA, LEACH, MCGEEHAN, MURT, PALLONE,
PARKER, SIPTROTH, STABACK, THOMAS AND WALKO, JUNE 7, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
JUNE 7, 2007

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." Any 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

1 mental infirmity need such care.

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

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

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

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

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

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

29 (2) Access to power sources.

30 (b) Notice.--A nursing home, personal care home or assisted

1 living facility shall inform a resident of the nursing home,
2 personal care home or assisted living facility or the legal
3 representative of the resident of the resident's right to
4 electronic monitoring.

5 (c) Conditions.--

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

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

16 Section 4. Admissibility of videotape as evidence.

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

21 Section 5. Violation of act.

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

28 (b) Tampering or destroying device or tape.--A person who
29 willfully and without the consent of a resident of a nursing
30 home, personal care home or assisted living facility hampers,

1 obstructs, tampers with or destroys an electronic monitoring
2 device or tape commits a misdemeanor of the third degree and
3 shall, upon conviction, be sentenced to pay a fine of not more
4 than \$2,500 or to imprisonment for not more than one year, or
5 both.

6 Section 6. Effective date.

7 This act shall take effect in 60 days.