

HB 1963 -- VETERANS' HOME RESIDENT MONITORING CARE ACT

SPONSOR: McDaniel

This bill creates the "Veterans' Home Resident Monitoring Care Act," which permits a patient or a surrogate to authorize installation and use of a monitoring device in a veterans' home provided that certain requirements are met. The patient may establish and the veterans' home must accommodate limits on the use, including the time of operation, direction, focus or volume, of a monitoring device.

At the time of admission to a veterans' home, a patient must be offered the option to have a monitoring device. A record of the patient's decision must be kept by the veterans' home and must be made accessible to the Missouri Veteran's Commission. After authorization, consent, and notice, a patient or surrogate may install, operate, and maintain a monitoring device in the patient's room at the patient's expense. The bill requires the veterans' home to cooperate with the installation of the monitoring device, provided the installation does not place undue burden on the veterans' home.

Consent to the authorization for the installation and use of a monitoring device must include a release of liability for the veterans' home for a violation of the patient's right to privacy insofar as the use of the monitoring device is concerned. A patient or the surrogate may reverse his or her choice regarding a monitoring device at any time, after notice to the veterans' home and to the commission upon a form prescribed by the department.

The form for the authorization of installation and use of a monitoring device must include certain elements as specified in the bill.

In any civil action against the veterans' home, material obtained through the use of a monitoring device must not be used if the monitoring device was installed or used without the knowledge of the veterans' home or the prescribed form. Compliance with these provisions must be a complete defense against any civil or criminal action brought against the patient, surrogate, or veterans' home for the use or presence of a monitoring device.

Within six months of the effective date of the bill, all facilities must provide to each patient or surrogate a form prescribed by the department explaining the provisions of the bill and giving each patient or surrogate a choice to have a monitoring device installed in the patient's room. Copies of the completed form must be kept by the veterans' home and made accessible to the commission.

The veterans' home must post a notice in a conspicuous place at the entrance to a room with a monitoring device that a monitoring device is in use in that room.

The bill prohibits a person or patient from being denied admission to or discharged from a veterans' home or from otherwise being discriminated against or retaliated against because of a choice to authorize installation and use of a monitoring device. Any person who violates the prohibition must be subject to a civil penalty of up to \$10,000 per occurrence.

Any person other than a patient or surrogate found guilty of intentionally hampering, obstructing, tampering with, or destroying a monitoring device or a recording made by a monitoring device installed in a veterans' home, under the provisions of the bill, is guilty of a class D felony until December 31, 2018, and a class E felony beginning January 1, 2019.

This bill is the same as HB 1655 (2016).