

HCS HB 1387 -- ELECTRONIC MONITORING

SPONSOR: Murphy

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Aging by a vote of 12 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for HB 1387.

This bill establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act", which specifies the parameters of electronic monitoring by residents of long-term care facilities (Section 198.610, RSMo).

The bill describes unauthorized monitoring and prohibits the facility and the Department of Health and Senior Services from being civilly or criminally liable for such monitoring (Section 198.614).

The bill requires the department to promulgate rules that prescribe a form to be completed and signed by every resident that explains the liabilities and rights for residents who place covert or authorized electronic monitoring devices, and the procedures to request authorized monitoring (Section 198.616).

The bill also describes who may consent to electronic monitoring (Section 198.618) and how that monitoring shall be requested, including the form, with the consent of any other residents in the room and the conditions of their consent (Section 198.620).

The bill requires the facility and any resident conducting electronic monitoring to post a conspicuous sign indicating that rooms, or the room of the resident is being monitored. It also states that facilities must accommodate requests for monitoring and shall not refuse to admit an individual that requests electronic monitoring. For purposes of abuse and neglect, the bill outlines time lines and reporting requirements for people who might view footage on behalf of a resident and specifies when a video recording may be used as evidence. Finally, the bill specifies when the department may sanction facilities or their administrators who violate these provisions (Sections 198.622 to 198.628).

The bill also makes it a class B misdemeanor to intentionally hamper, obstruct, tamper with, or destroy devices installed or data collected under these provisions, or to conduct unauthorized monitoring after a written warning to cease and desist from that

conduct (Section 198.632).

This bill is similar to HB 719 (2019).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that this bill is important to give nursing home residents and their families peace of mind. They believe it will provide protection to the nursing homes also, even though the prospect makes them feel vulnerable to significant criticism.

Testifying for the bill were Representative Murphy and Missouri Assisted Living Association.

**OPPONENTS:** There was no opposition voiced to the committee.

**OTHERS:** Others testifying on the bill say that they appreciate that the representatives have worked hard to make the bill acceptable to the nursing home operators and other stakeholders because it has taken a lot of negotiation. While they are not able to testify in favor, they will no longer voice opposition.

Testifying on the bill was Missouri Health Care Association.