

HCS HBs 1387 & 1482 -- ELECTRONIC MONITORING

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. Any electronic monitoring device must be owned and operated by the resident or the resident's legal guardian (Sections 198.610 and 198.612, 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).

This 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 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 (Sections 198.620 and 198.618).

This 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).