

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1392

"THE WILLIE MAE RYAN NURSING HOME PATIENT PROTECTION ACT."

Amendment No. 1 to House Bill No. 1392.

Amend House Bill No. 1392 as originally introduced:

Page 1, line 16, delete "PATIENT" and substitute "RESIDENT"

AND

Page 1, line 32, delete "a surveillance" and substitute "a fixed surveillance"

AND

Page 1, line 34, delete "camera;" and substitute "camera or a personal home video or audio recording device not placed in a resident's room for the purpose of surreptitious recording of events or actions;"

AND

Page 2, delete line 5, and substitute the following:

"(6) "Surrogate" means a resident's spouse, parent, child, grandchild, sibling, legal guardian, or a legally appointed"

AND

Page 2, line 12, delete "visually" and substitute "visually, audibly, or both"

AND

Page 2, line 26, delete "(a)(1)" and substitute "(a)(1)(A)"

AND

Page 2, delete lines 27 through 29 and substitute the following:

"the option of having a monitoring device.

(B)(i) The option to have a monitoring device shall be presented



to the resident or the resident's surrogate on a form created by the Office of Long Term Care.

(ii) A copy of the form reflecting the resident's authorization or choice not to have a monitoring device shall be transmitted upon its completion by the facility to the office.

(C)(i) A resident or a resident's surrogate may, at any time, amend the authorization or choice not to have a monitoring device by obtaining a new form from the facility and completing it to reflect the amendment.

(ii) A copy of the form reflecting the resident's amendment shall be transmitted by the facility to the office upon its completion.

(2)(A) All records of the resident's authorization or choice not to have a monitoring device shall be kept by the facility and by the Office of Long-Term Care."

AND

Page 2, delete line 35 and substitute the following:
"device."

AND

Page 3, line 4, delete "(b)" and substitute "(b)(1)"

AND

Page 3, delete lines 6 and 7 and substitute the following:
"violation of the resident's right to privacy regarding the use of the monitoring device for recording care and treatment rendered to the resident.

(2) Nothing in the release shall work to release the facility, its agents or employees from any liability that would arise from the obtaining, viewing, or listening to the recording or monitoring of the resident for any purpose other than monitoring the care and treatment of the resident.

(3) Any person obtaining or viewing the recording of the resident for any purpose other than monitoring the care and treatment of the resident shall in addition to any other liability under the law be in violation of this subchapter."

AND

Page 3, delete line 36 and substitute the following:
"(c)(1) No monitoring device may be installed or operated in a facility except as provided in this subchapter."

AND

Page 4, delete lines 2 and 3 and substitute the following:
"contendere to, installing or operating a monitoring device in a facility without complying with the provisions of this subchapter is guilty of a Class A misdemeanor."

AND

Page 4, line 12, delete "and" from the end of the line

AND

Page 4, delete line 13 and substitute the following:

"(2) Made accessible to the ombudsman; and

(3) Kept by the office."

The Amendment was read _____

By: Representative Bright
MGF/JGH - 02-18-2005 08:39
MGF237

Chief Clerk