

STATE OF NEW YORK

10151

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) --
read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the use of electronic monitoring devices in the rooms of residents in assisted living residences

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (o) and (p) of subdivision 3 of section 4660 of
2 the public health law, as added by chapter 2 of the laws of 2004, are
3 amended and a new paragraph (q) is added to read as follows:

4 (o) every resident shall have the right to receive visits from family
5 members and other adults of the resident's choosing without interference
6 from the assisted living residence; ~~[and]~~

7 (p) every resident shall have the right to written notice of any fee
8 increase not less than forty-five days prior to the proposed effective
9 date of the fee increase, provided however providing additional services
10 to a resident shall not be considered a fee increase pursuant to this
11 paragraph~~[-]~~; and

12 (q) every resident, or in the case of a patient who lacks capacity,
13 such resident's lawful representative, shall have the right to install,
14 operate, and maintain an electronic monitoring device in such resident's
15 room, provided, however, that:

16 (i) such electronic monitoring device shall only capture picture or
17 video of such resident's personal space; and

18 (ii) audio capture shall require written consent for all roommate
19 residents whose privacy may reasonably be affected by such electronic
20 monitoring device, or such roommate residents' lawful representatives,
21 have given written consent to such audio capture. If no such consent is
22 received, such electronic monitoring device shall only capture picture
23 and/or silent video.

24 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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