STATE OF NEW YORK

10151--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

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

(ii) audio capture shall require written consent for all roommate residents whose privacy may reasonably be affected by such electronic monitoring device, or such roommate residents' lawful representatives.

§ 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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