

STATE OF NEW YORK

1967--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 14, 2025

Introduced by M. of A. PAULIN, SAYEGH -- 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 and patients in nursing homes

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 § 2. Subdivision 3 of section 2803-c of the public health law is
22 amended by adding a new paragraph s to read as follows:

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

LBD04745-02-5

1 s. (i) Every patient in a nursing home, or in the case of a patient
2 who lacks capacity to consent, the patient's lawful representative,
3 shall have the right, at such patient's own expense, to install, operate
4 and maintain an electronic monitoring device in the patient's room,
5 provided that:

6 (A) the electronic monitoring device shall only capture picture or
7 video of the patient's personal space;

8 (B) audio capture shall require written consent from all roommate
9 patients, or their lawful representatives, whose privacy may reasonably
10 be affected; if no such consent is received, the electronic monitoring
11 device shall only capture picture or silent video; and

12 (C) a report on the installation of an electronic monitoring device
13 including all required consent received shall be maintained by the
14 facility administrator as part of the patient record.

15 (ii) For the purposes of this section, the following terms shall have
16 the following meanings:

17 (A) "electronic monitoring device" means a surveillance instrument
18 with a video camera or an audio recording device, or a combination ther-
19 eof, which is installed in a patient's room and transmits to a specific
20 recipient or records activity or sounds occurring in the room; and

21 (B) "patient's personal space" means the space in the patient's room
22 including and immediately surrounding the patient's bed, furniture,
23 equipment, the patient's effects and possessions, and shall not include
24 the personal space of a roommate patient.

25 § 3. This act shall take effect on the thirtieth day after it shall
26 have become a law.