STATE OF NEW YORK

1967--B

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 -- again reported from said committee with amendments, 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:

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) (i) every resident, or in the case of a resident who lacks capacity, such resident's lawful representative, may install, operate, and maintain an electronic monitoring device in such resident's room at their own expense, provided, however, that:

(A) such electronic monitoring device which captures picture or video shall only capture picture or video of such resident's personal space;

(B) any roommate of such resident or the roommate's lawful representative shall have provided written consent for the use and installation of such electronic monitoring device. If no such consent is received, no electronic monitoring device may be used or installed; and

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

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(C) if the electronic monitoring device captures audio, that any roommate of the resident, or such roommate's lawful representative, shall have provided written consent for the use and installation of such audio capturing electronic monitoring device. Audio capture shall also require posting of a notice in a conspicuous place advising individuals entering the room that audio is being captured.

(ii) for the purposes of this subdivision, the following terms shall have the following meanings:

(A) "electronic monitoring device" means a surveillance instrument with a video camera or an audio recording device, or a combination thereof, which is installed in a resident's room and transmits to a specific recipient or records activity or sounds occurring in the room; and

(B) "resident's personal space" means the space in the resident's room including and immediately surrounding the resident's bed, furniture, equipment, the resident's effects and possessions, and shall not include the personal space of a roommate resident or shared bathing or toilet area.

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

s. (i) Every patient in a nursing home, or in the case of a patient who lacks capacity to consent, the patient's lawful representative, may install, operate and maintain an electronic monitoring device in the patient's room, at their own expense, provided that:

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

(B) any roommate of the patient or such roommate's lawful representative shall have provided written consent for the use and installation of such electronic monitoring device. If no such consent is received, no electronic monitoring device may be used or installed;

(C) if the electronic monitoring device captures audio, that any roommate of the patient or such roommate's lawful representative shall have provided written consent for the use or installation of such audio capturing electronic monitoring device. Audio capture shall also require posting of a notice in a conspicuous place advising individuals entering the room that audio is being recorded; and

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

(ii) For the purposes of this subdivision, the following terms shall have the following meanings:

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

(B) "patient's personal space" means the space in the patient's room including and immediately surrounding the patient's bed, furniture, equipment, the patient's effects and possessions, and shall not include the personal space of a roommate patient or shared bathing or toilet area.

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