

STATE OF NEW YORK

7190

2025-2026 Regular Sessions

IN SENATE

April 3, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Aging

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

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

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

22 (C) if the electronic monitoring device captures audio, that any room-
23 mate of the resident, or such roommate's lawful representative, shall
24 have provided written consent for the use and installation of such audio

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

LBD04745-04-5

1 capturing electronic monitoring device. Audio capture shall also require
2 posting of a notice in a conspicuous place advising individuals entering
3 the room that audio is being captured.

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

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

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

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

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

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

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

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

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

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

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

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

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