

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 996

Short Title: Elec. Monitoring in Nursing/Adult Care Homes. (Public)

Sponsors: Representatives Earle; Buchanan, Luebke, and Wainwright.

Referred to: Health.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT RESIDENTS OF NURSING HOMES OR ADULT CARE HOMES, AND THEIR FAMILIES, TO MONITOR THE RESIDENT THROUGH THE USE OF VIDEO CAMERAS OR OTHER ELECTRONIC MONITORING DEVICES AT THE EXPENSE OF THE RESIDENT; TO REQUIRE NURSING HOMES AND ADULT CARE HOMES TO PROVIDE A POWER SOURCE AND MOUNTING SPACE FOR ELECTRONIC MONITORING DEVICES; TO PROHIBIT NURSING HOMES AND ADULT CARE HOMES FROM REFUSING TO ADMIT RESIDENTS BECAUSE OF A REQUEST TO INSTALL ELECTRONIC MONITORING DEVICES; TO REQUIRE THAT TAPES FROM MONITORING DEVICES BE ADMISSIBLE IN CRIMINAL AND CIVIL ACTIONS SUBJECT TO THE RULES OF EVIDENCE; AND TO IMPOSE CRIMINAL PENALTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part A of Article 6 of Chapter 131E of the General Statutes is amended by adding the following new section to read:

**"§ 131E-114.1. Electronic monitoring of nursing home residents.**

(a) A nursing home shall permit a resident to monitor the resident through the use of electronic monitoring devices. The nursing home shall require a resident who engages in electronic monitoring to post a notice on the door of the resident's room. The notice shall state that the room is being monitored by an electronic monitoring device.

(b) Monitoring conducted under this section shall:

(1) Be noncompulsory and at the election of the resident.

(2) Be fully funded by the resident.

(3) To the extent possible, protect the privacy rights of other residents and visitors to the nursing home.

(c) In complying with this section, a nursing home:

- 1           (1) Shall not refuse to admit an individual as a resident in the nursing  
2           home because of a request for electronic monitoring.  
3           (2) Shall make reasonable physical accommodation for electronic  
4           monitoring by providing access to power sources and a reasonably  
5           secure place to mount the electronic monitoring device.  
6           (3) Shall inform a resident or prospective resident of the resident's right to  
7           install or arrange for the installation of electronic monitoring devices.  
8           (4) May require a resident who wishes to install electronic monitoring  
9           devices to make the request in writing.

10       (d) Subject to the provisions of Chapter 8C of the General Statutes, a tape created  
11 through the use of electronic monitoring shall be admissible in either a civil or criminal  
12 action brought in a North Carolina court of competent jurisdiction.

13       (e) A person who operates a nursing home in violation of this section is guilty of  
14 a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two  
15 thousand dollars (\$2,000) or imprisonment not exceeding one year, or both.

16       (f) A person who willfully and without the consent of a resident hampers,  
17 obstructs, tampers with, or destroys an electronic monitoring device or tape shall be  
18 guilty of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding  
19 two thousand dollars (\$2,000) or imprisonment not exceeding 90 days, or both.

20       (g) As used in this section, the term:

21           (1) 'Electronic monitoring device' includes a video surveillance camera, an  
22 audio device, a video telephone, and an Internet video surveillance  
23 device.

24           (2) 'Nursing home' includes a combination home.

25           (3) 'Resident' includes the resident's legal representative."

26       **SECTION 2.** G.S. 131E-117 is amended by adding the following new  
27 subdivision to read:

28       "(17) To install or have installed at the resident's own expense an electronic  
29 monitoring device as defined and provided for in G.S. 131E-114.1 in  
30 the resident's room for the purpose of ensuring the resident's health and  
31 safety."

32       **SECTION 3.** Article 5 of Chapter 131D of the General Statutes is amended  
33 by adding the following new section to read:

34       "**§ 131D-42. Electronic monitoring of adult care home residents.**

35       (a) An adult care home shall permit a resident to monitor the resident through the  
36 use of electronic monitoring devices. The adult care home shall require a resident who  
37 engages in electronic monitoring to post a notice on the door of the resident's room. The  
38 notice shall state that the room is being monitored by an electronic monitoring device.

39       (b) Monitoring conducted under this section shall:

40           (1) Be noncompulsory and at the election of the resident.

41           (2) Be fully funded by the resident.

42           (3) To the extent possible, protect the privacy rights of other residents and  
43 visitors to the adult care home.

44       (c) In complying with this section, an adult care home:

- 1           (1) Shall not refuse to admit an individual as a resident in the adult care  
2           home because of a request for electronic monitoring.  
3           (2) Shall make reasonable physical accommodation for electronic  
4           monitoring by providing access to power sources and a reasonably  
5           secure place to mount the electronic monitoring device.  
6           (3) Shall inform a resident or prospective resident of the resident's right to  
7           install or arrange for the installation of electronic monitoring devices.  
8           (4) May require a resident who wishes to install electronic monitoring  
9           devices to make the request in writing.

10       (d) Subject to the provisions of Chapter 8C of the General Statutes, a tape created  
11 through the use of electronic monitoring shall be admissible in either a civil or criminal  
12 action brought in a North Carolina court of competent jurisdiction.

13       (e) A person who operates an adult care home in violation of this section is guilty  
14 of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding two  
15 thousand dollars (\$2,000) or imprisonment not exceeding one year, or both.

16       (f) A person who willfully and without the consent of a resident hampers,  
17 obstructs, tampers with, or destroys an electronic monitoring device or tape shall be  
18 guilty of a Class A1 misdemeanor and upon conviction is subject to a fine not exceeding  
19 two thousand dollars (\$2,000) or imprisonment not exceeding 90 days, or both.

20       (g) As used in this section, the term:

21           (1) 'Electronic monitoring device' includes a video surveillance camera, an  
22 audio device, a video telephone, and an Internet video surveillance  
23 device.

24           (2) 'Adult care home' has the meaning provided under G.S. 131D-2.

25           (3) 'Resident' includes the resident's legal representative."

26       **SECTION 4.** G.S. 131D-21 is amended by adding the following new  
27 subdivision to read:

28       "(18) To install or have installed at the resident's own expense an electronic  
29 monitoring device as defined and provided for in G.S. 131D-42 in the  
30 resident's room for the purpose of ensuring the resident's health and  
31 safety."

32       **SECTION 5.** This act becomes effective October 1, 2001.