

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2113

- Page 2, line 16, after "person" insert "but not for the purpose of electronically monitoring a resident"
- Page 3, line 10, remove "placement of the"
- Page 3, line 10, replace "focused" with "placed in a fixed, stationary position; monitors"
- Page 3, line 10, remove "on"
- Page 3, line 11, remove "on"
- Page 3, line 12, after "roommate" insert an underscored semicolon
- Page 3, line 16, after "A" insert "video"
- Page 3, line 21, after the underscored semicolon insert "and"
- Page 3, line 22, replace "Written consent" with "A signed authorization for the disclosure of protected health information, as defined by title 45, Code of Federal Regulations, part 160, section 103, compliant with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.] and consenting to the use of the device"
- Page 3, line 23, remove "3; and"
- Page 3, remove lines 24 through 29
- Page 3, line 30, replace "of the authorized electronic monitoring device is concerned" with "4"
- Page 4, line 1, after "2." insert "A facility that uses an authorized electronic monitoring device in compliance with this chapter is not guilty of a crime or civilly liable under this code for a violation of a resident's privacy."
- 3."
- Page 4, line 3, replace "3." with "4."
- Page 4, line 4, replace "written consent" with "signed authorization"
- Page 4, line 5, after "room" insert "in accordance with subsection 1"
- Page 4, line 5, replace "consent" with "authorization"
- Page 4, line 5, replace "given" with "signed"
- Page 4, line 6, replace "consent" with "authorization"
- Page 4, line 7, replace ", including the" with "to only audio monitoring or only video monitoring and may limit the device's"
- Page 4, line 7, after the third underscored comma insert "and"
- Page 4, line 8, remove ", and use of visual or audio recording or transmission"
- Page 4, line 9, remove "may request the authorized"

Page 4, remove lines 10 through 15

Page 4, line 16, replace "transmitting component of the authorized monitoring device" with "who did not request the authorized electronic monitoring device in the resident's room may withdraw, in writing, the signed authorization for the use of the device. The resident who requested the device or the resident's resident representative is responsible for having the device disabled in compliance with the facility's standards and regulations after receipt of the written withdrawal"

Page 4, remove lines 17 through 20

Page 4, line 24, replace "consent to" with "authorize"

Page 4, line 25, remove "A reasonable attempt to accommodate includes the"

Page 4, remove lines 26 through 28

Page 4, line 29, remove the second "the"

Page 4, remove line 30

Page 5, line 1, replace "unless the resident or resident representative has consented to the use of" with "and another resident will be moved into the room, the resident who requested the device or the resident's resident representative is responsible for having"

Page 5, line 2, after "monitoring" insert "device disabled in compliance with the facility's standards and regulations unless the new resident or the resident's resident representative authorizes the device pursuant to subsections 1 and 4"

Page 5, line 5, replace "consent to" with "authorization of"

Page 5, line 7, remove "at or near the facility's main"

Page 5, remove line 8

Page 5, line 9, remove "facility and at the entrance of a resident's room"

Page 5, line 10, after "conducted" insert "to alert and inform visitors"

Page 5, line 19, after "be" insert "guilty of a crime or"

Page 5, line 19, after the underscored period insert "In any civil proceeding, administrative proceeding, or survey process, material obtained through the use of an authorized electronic monitoring device may not be used if a person intentionally hampered, obstructed, or tampered with the material without the express written consent of the resident or resident representative, or if the material was obtained through the operation of an electronic monitoring device which was not compliant with this section."

Re-number accordingly