

ASSEMBLY, No. 2183

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Chaparro

SYNOPSIS

Requires nursing homes to permit use of electronic monitoring devices at request of resident.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/8/2021)

1 **AN ACT** concerning voluntary use of electronic monitoring devices
2 in nursing homes and supplementing Title 26 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. A nursing home licensed pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) shall permit a resident to be monitored or the
10 resident's legal representative to monitor the resident in the
11 resident's room through the use of an electronic monitoring device
12 in accordance with the provisions of this act. A nursing home shall
13 inform a resident and the resident's legal representative of the
14 resident's right to electronic monitoring. As used in this act,
15 "electronic monitoring device" means a video surveillance camera,
16 audio device, video telephone, or Internet video surveillance device.

17 a. The nursing home may require the resident or the resident's
18 legal representative who seeks to install the electronic monitoring
19 device to make the request in writing to the facility.

20 b. The nursing home shall not refuse to admit an individual to
21 the facility or remove a resident from the facility because of a
22 request for electronic monitoring.

23 c. The resident or the resident's legal representative who
24 engages in electronic monitoring shall permit the nursing home to
25 post a notice on the door of the resident's room that states that the
26 room is being monitored by an electronic monitoring device.

27 d. The electronic monitoring shall be funded by the resident or
28 the resident's legal representative.

29 e. The electronic monitoring shall:

30 (1) be noncompulsory and at the election of the resident or the
31 resident's legal representative;

32 (2) at the request of the nursing home, be conducted within plain
33 view; and

34 (3) protect the privacy rights of other residents and visitors to
35 the nursing home, to the extent reasonably possible; and in the case
36 of a resident who shares a room with another resident, be subject to
37 the written consent of the other resident or that resident's legal
38 representative to the use of the electronic monitoring device in the
39 room.

40 f. The nursing home shall make reasonable physical
41 accommodations for electronic monitoring by providing a
42 reasonably secure place to mount the electronic monitoring device
43 and access to power sources.

44
45 2. A person who willfully, and without the consent of a
46 resident or the resident's legal representative, hampers, obstructs,
47 tampers with, or destroys an electronic monitoring device or tape
48 shall be guilty of a crime of the third degree.

1 3. The Commissioner of Health may adopt rules and
2 regulations pursuant to the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of
4 this act.

5
6 4. This act shall take effect on the first day of the fourth month
7 next following the date of enactment.

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10 STATEMENT

11
12 This bill requires a nursing home to permit a resident to be
13 monitored or the resident's legal representative to monitor the
14 resident in the resident's room, through the use of an electronic
15 monitoring device. "Electronic monitoring device" is defined as a
16 video surveillance camera, audio device, video telephone, or
17 Internet video surveillance device.

18 The bill provides that: a nursing home shall inform a resident and
19 the resident's legal representative of the resident's right to electronic
20 monitoring; the nursing home may require the resident or the
21 resident's legal representative who seeks to install the electronic
22 monitoring device to make the request in writing to the facility; the
23 nursing home shall not refuse to admit an individual to the facility
24 or remove a resident from the facility because of a request for
25 electronic monitoring; the electronic monitoring shall be funded by
26 the resident or the resident's legal representative; and the resident or
27 the resident's legal representative who engages in electronic
28 monitoring shall permit the nursing home to post a notice on the
29 door of the resident's room that states that the room is being
30 monitored by an electronic monitoring device.

31 The monitoring shall: be noncompulsory and at the election of
32 the resident or the resident's legal representative; at the request of
33 the nursing home, be conducted within plain view; and protect the
34 privacy rights of other residents and visitors to the nursing home, to
35 the extent reasonably possible; and in the case of a resident who
36 shares a room with another resident, be subject to the written
37 consent of the other resident or that resident's legal representative
38 to the use of the electronic monitoring device in the room.

39 The nursing home shall make reasonable physical
40 accommodations for electronic monitoring by providing a
41 reasonably secure place to mount the electronic monitoring device
42 and access to power sources.

43 Finally, the bill provides that a person who willfully, and without
44 the consent of a resident or the resident's legal representative,
45 hampers, obstructs, tampers with, or destroys an electronic
46 monitoring device or tape shall be guilty of a crime of the third
47 degree (punishable by a term of imprisonment between three to five
48 years, a fine not exceeding \$15,000, or both).