

# HOUSE BILL No. 4763

May 27, 2003, Introduced by Reps. Bieda, Gleason, Zelenko, Vagnozzi, Lipsey, Wojno, Pappageorge and Stahl and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1979 PA 218, entitled  
"Adult foster care facility licensing act,"  
(MCL 400.701 to 400.737) by adding section 28.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 28. (1) An adult foster care facility shall permit a  
2 resident or the resident's legal representative to monitor the  
3 resident through the use of an electronic monitoring device if  
4 all of the following requirements are met:

5       (a) The monitoring is completely voluntary and is conducted  
6 at the election of the resident or the resident's legal  
7 representative.

8       (b) All costs of the monitoring, including, but not limited  
9 to, the cost of the electronic monitoring device and its  
10 installation, are paid by the resident or the resident's legal  
11 representative.

1       (c) The monitoring is conducted in a manner that protects the  
2 privacy of other residents and visitors to the adult foster care  
3 facility to the extent reasonably possible. If a resident or the  
4 resident's guardian wishes to install an electronic monitoring  
5 device in the resident's room, and if the resident shares the  
6 room with another resident, the written consent of the other  
7 resident or his or her guardian must be obtained before the  
8 electronic monitoring device is installed.

9       (d) There is a notice posted on the door of the resident's  
10 room stating that the room is being monitored by an electronic  
11 monitoring device.

12       (2) An adult foster care facility shall make reasonable  
13 accommodation for electronic monitoring by providing all of the  
14 following:

15       (a) A reasonably secure place to mount the electronic  
16 monitoring device.

17       (b) Access to a power source for the electronic monitoring  
18 device.

19       (c) Notice to all residents of the right to install an  
20 electronic monitoring device.

21       (3) An adult foster care facility shall not refuse to admit  
22 an individual as a resident or remove a resident from the  
23 adult foster care facility because of a request to install an  
24 electronic monitoring device.

25       (4) An adult foster care facility may require a resident or  
26 the resident's guardian who wishes to install an electronic  
27 monitoring device to make the request in writing.

1       (5) Subject to the Michigan rules of evidence, a tape or  
2 other recording created by an electronic monitoring device under  
3 this section is admissible in either a civil or a criminal action  
4 brought in a court in this state.

5       (6) An owner or operator or employee of an adult foster care  
6 facility who violates this section is guilty of a misdemeanor  
7 punishable by imprisonment for not more than 1 year or a fine of  
8 not more than \$2,000.00, or both.

9       (7) An individual who willfully and without the consent of  
10 the resident or the resident's guardian hampers, obstructs,  
11 tampers with, or destroys the resident's or legal  
12 representative's electronic monitoring device or its film, tape,  
13 or other recording medium is guilty of a misdemeanor punishable  
14 by imprisonment for not more than 90 days or a fine of not more  
15 than \$2,000.00, or both.

16       (8) As used in this section, "electronic monitoring device"  
17 means a video surveillance camera, an audio device, a video  
18 telephone, an internet video surveillance device, or a similar  
19 device designed to capture the audio recordings or visual images  
20 of its surroundings.