

REFERENCE TITLE: **electronic monitoring; health care facilities**

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **HB 2914**

Introduced by  
Representative Nguyen

**AN ACT**

**AMENDING TITLE 36, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; RELATING TO HEALTH CARE INSTITUTIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4, Arizona Revised Statutes, is  
3 amended by adding article 7.1, to read:

4 ARTICLE 7.1. ELECTRONIC MONITORING

5 36-447.51. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "AUTHORIZED REPRESENTATIVE" MEANS A RESIDENT REPRESENTATIVE AS  
8 DEFINED IN 42 CODE OF FEDERAL REGULATIONS SECTION 483.5 WHO HAS BEEN  
9 EXPRESSLY GRANTED AUTHORITY BY THE RESIDENT OR A COURT OF LAW TO MAKE  
10 DECISIONS ABOUT THE RESIDENT'S CARE, HEALTH AND SAFETY ON THE RESIDENT'S  
11 BEHALF.

12 2. "ELECTRONIC MONITORING":

13 (a) MEANS THE USE OF AN ELECTRONIC MONITORING DEVICE IN THE ROOM OF  
14 A RESIDENT OF A NURSING CARE INSTITUTION OR ASSISTED LIVING FACILITY TO  
15 RECORD OR TRANSMIT SOUNDS OR ACTIVITY TO OR FOR THE RESIDENT, THE  
16 RESIDENT'S AUTHORIZED REPRESENTATIVE OR AN AUTHORIZED THIRD PARTY.

17 (b) INCLUDES THE TAPES OR RECORDINGS FROM THE ELECTRONIC MONITORING  
18 DEVICE.

19 3. "ELECTRONIC MONITORING DEVICE" MEANS ANY DEVICE OR TECHNOLOGY  
20 THAT HAS A PLACED, FIXED OR OTHERWISE INSTALLED LOCATION, THAT CAPTURES,  
21 RECORDS OR BROADCASTS AUDIO OR VIDEO, OR BOTH, AND THAT IS USED FOR  
22 ELECTRONIC MONITORING.

23 4. "FACILITY" MEANS THE NURSING CARE INSTITUTION OR ASSISTED LIVING  
24 FACILITY IN WHICH THE RESIDENT IS LIVING.

25 5. "RESIDENT" MEANS A PERSON WHO RESIDES IN A FACILITY AND WHOSE  
26 SERVICES PROVIDED BY THE FACILITY ARE PAID FOR, IN WHOLE OR IN PART, USING  
27 PUBLIC MONIES.

28 36-447.52. Right to electronic monitoring

29 A RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE HAS THE RIGHT  
30 TO CONDUCT ELECTRONIC MONITORING OF THE RESIDENT'S ROOM THROUGH THE USE OF  
31 ELECTRONIC MONITORING DEVICES PLACED, FIXED OR OTHERWISE INSTALLED IN THE  
32 RESIDENT'S ROOM AS PROVIDED IN THIS ARTICLE.

33 36-447.53. Notice; intent to conduct electronic monitoring

34 A. A RESIDENT IN A NURSING CARE INSTITUTION OR ASSISTED LIVING  
35 FACILITY OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE SHALL NOTIFY THE  
36 FACILITY OF THE PLANNED INSTALLATION AND USE OF AN ELECTRONIC MONITORING  
37 DEVICE IN THE LIVING QUARTERS OF THE RESIDENT BY SUBMITTING TO THE  
38 FACILITY A WRITTEN AND COMPLETED NOTICE AND CONSENT FORM AS PRESCRIBED BY  
39 THE DEPARTMENT PURSUANT TO SECTION 36-447.54. THE NOTICE AND CONSENT FORM  
40 SERVES TO INFORM THE FACILITY THAT THE RESIDENT OR RESIDENT'S AUTHORIZED  
41 REPRESENTATIVE INTENDS TO CONDUCT ELECTRONIC MONITORING AND CONSENTS TO  
42 THE MONITORING AND DESCRIBES HOW THE RESIDENT OR THE RESIDENT'S AUTHORIZED  
43 REPRESENTATIVE INTENDS TO CONDUCT THE MONITORING. THE NOTICE AND CONSENT  
44 FORM MUST BE PROVIDED TO THE FACILITY BEFORE THE RESIDENT OR RESIDENT'S

1 AUTHORIZED REPRESENTATIVE INSTALLS AN ELECTRONIC MONITORING DEVICE AND  
2 BEGINS ELECTRONIC MONITORING.

3 B. FOR A RESIDENT WHO HAS THE ABILITY TO CONSENT BUT WHOSE  
4 AUTHORIZED REPRESENTATIVE HAS THE AUTHORITY TO CONSENT TO THE ELECTRONIC  
5 MONITORING, THE RESIDENT'S AUTHORIZED REPRESENTATIVE MAY CONSENT ON BEHALF  
6 OF THE RESIDENT IF BOTH OF THE FOLLOWING APPLY:

7 1. THE RESIDENT'S AUTHORIZED REPRESENTATIVE HAS FULLY EXPLAINED THE  
8 PROPOSED ELECTRONIC MONITORING TO THE RESIDENT, INCLUDING THE RESIDENT'S  
9 RIGHT TO OBJECT TO THE ELECTRONIC MONITORING.

10 2. THE RESIDENT HAS NOT AFFIRMATIVELY OBJECTED TO THE PROPOSED  
11 FORM, FORMAT AND SCOPE OF ELECTRONIC MONITORING.

12 C. FOR A RESIDENT WHO DOES NOT HAVE THE ABILITY TO CONSENT TO THE  
13 ELECTRONIC MONITORING, THE RESIDENT'S AUTHORIZED REPRESENTATIVE MAY  
14 CONSENT ON BEHALF OF THE RESIDENT IF ALL OF THE FOLLOWING APPLY:

15 1. THE RESIDENT'S AUTHORIZED REPRESENTATIVE HAS THE AUTHORITY TO  
16 CONSENT.

17 2. THE RESIDENT'S AUTHORIZED REPRESENTATIVE HAS FULLY EXPLAINED THE  
18 PROPOSED ELECTRONIC MONITORING TO THE RESIDENT, INCLUDING THE RESIDENT'S  
19 RIGHT TO OBJECT TO THE ELECTRONIC MONITORING.

20 3. THE RESIDENT HAS NOT AFFIRMATIVELY OBJECTED TO THE PROPOSED  
21 FORM, FORMAT AND SCOPE OF ELECTRONIC MONITORING.

22 4. THE RESIDENT DOES NOT HAVE AN EXECUTED LIVING WILL, MEDICAL  
23 POWER OF ATTORNEY, PREHOSPITAL MEDICAL DIRECTIVE OR OTHER LEGAL DOCUMENT  
24 IN WHICH THE RESIDENT SPECIFIED THE RESIDENT'S OBJECTION TO ELECTRONIC  
25 MONITORING.

26 D. A RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE MAY  
27 CONSENT TO ELECTRONIC MONITORING WITH ANY LIMITING OR QUALIFYING TERMS OR  
28 CONDITIONS THAT THE RESIDENT OR RESIDENT'S AUTHORIZED REPRESENTATIVE  
29 CHOOSES REGARDING THE MANNER IN WHICH THE ELECTRONIC MONITORING IS  
30 CONDUCTED. THE LIMITING OR QUALIFYING TERMS OR CONDITIONS SHALL BE  
31 SPECIFIED IN THE NOTICE AND CONSENT FORM PURSUANT TO SECTION 36-447.54.

32 36-447.54. Notice and consent form

33 A. THE DEPARTMENT SHALL PRESCRIBE THE NOTICE AND CONSENT FORM THAT  
34 MUST BE COMPLETED BY THE RESIDENT OR THE RESIDENT'S AUTHORIZED  
35 REPRESENTATIVE PURSUANT TO THIS ARTICLE AND SHALL INCLUDE ADEQUATE SPACE  
36 ON THE FORM FOR THE RESIDENT OR AUTHORIZED REPRESENTATIVE TO OUTLINE  
37 CHOICES REGARDING ALL OF THE FOLLOWING:

38 1. THE RESIDENT'S OR AUTHORIZED REPRESENTATIVE'S INTENT TO CONDUCT  
39 ELECTRONIC MONITORING AND THE INTENDED START DATE.

40 2. THE TYPE, FUNCTION AND INTENDED PURPOSE OF THE ELECTRONIC  
41 MONITORING DEVICE TO BE USED.

42 3. ANY INSTALLATION SPECIFICATIONS, SUCH AS THE PLANNED MOUNTING OF  
43 A DEVICE TO A WALL OR CEILING.

- 1           4. THE RESIDENT'S OR AUTHORIZED REPRESENTATIVE'S CHOSEN TERMS AND  
2 CONDITIONS FOR THE USE OF THE ELECTRONIC MONITORING DEVICE, INCLUDING:
  - 3           (a) WHETHER TO INCLUDE OR EXCLUDE AUDIO RECORDING.
  - 4           (b) WHETHER TO INCLUDE OR EXCLUDE VIDEO RECORDING.
  - 5           (c) WHETHER TO INCLUDE OR EXCLUDE BROADCASTING OF AUDIO OR VIDEO.
  - 6           (d) WHEN TO TURN THE ELECTRONIC MONITORING DEVICE ON OR OFF OR  
7 BLOCK OR UNBLOCK THE VIDEO RECORDING COMPONENT OF THE ELECTRONIC  
8 MONITORING DEVICE FOR THE DURATION OF AN EXAMINATION OR PROCEDURE BY A  
9 HEALTH CARE PROFESSIONAL, INCLUDING HOW THE ELECTRONIC MONITORING DEVICE  
10 WILL BE TURNED ON OR OFF AND TURNED BACK ON OR OFF AND BY WHOM.
  - 11           (e) WHEN TO TURN THE ELECTRONIC MONITORING DEVICE ON OR OFF OR  
12 BLOCK OR UNBLOCK THE VIDEO RECORDING COMPONENT OF THE ELECTRONIC  
13 MONITORING DEVICE WHILE DRESSING OR BATHING IS PERFORMED, INCLUDING HOW  
14 THE ELECTRONIC MONITORING DEVICE WILL BE TURNED ON OR OFF AND TURNED BACK  
15 ON OR OFF AND BY WHOM.
  - 16           (f) WHEN TO TURN THE ELECTRONIC MONITORING DEVICE ON OR OFF FOR THE  
17 DURATION OF A VISIT WITH A SPIRITUAL ADVISER, OMBUDSMAN, ATTORNEY,  
18 FINANCIAL PLANNER, INTIMATE PARTNER OR OTHER VISITOR, INCLUDING HOW THE  
19 ELECTRONIC MONITORING DEVICE WILL BE TURNED ON OR OFF AND TURNED BACK ON  
20 OR OFF AND BY WHOM.
  - 21           (g) ANY OTHER CONDITION OR RESTRICTION ELECTED BY THE RESIDENT OR  
22 AUTHORIZED REPRESENTATIVE REGARDING THE USE OF AN ELECTRONIC MONITORING  
23 DEVICE.
- 24           5. WHETHER THE RESIDENT'S OR AUTHORIZED REPRESENTATIVE'S PLANNED  
25 ELECTRONIC MONITORING REQUIRES ROOMMATE CONSENT PURSUANT TO SECTION  
26 36-447.55.
- 27           6. A DESCRIPTION OF WHO MAY BE ABLE TO HEAR OR VIEW THE RECORDINGS  
28 IN REAL TIME OR ON DEMAND.
- 29           7. A DESCRIPTION OF WHO MAY BE ABLE TO TEMPORARILY DISABLE, OBSCURE  
30 OR OTHERWISE COMPLY WITH THE TERMS AND CONDITIONS DESCRIBED IN PARAGRAPH 4  
31 OF THIS SUBSECTION.
- 32           8. A STATEMENT OF HOW THE RECORDINGS MAY BE USED AND WITH WHOM THE  
33 RECORDING MAY BE SHARED.
- 34           9. THE RESIDENT'S SIGNED CONSENT TO ELECTRONIC MONITORING OR THE  
35 SIGNATURE OF THE RESIDENT'S AUTHORIZED REPRESENTATIVE, IF APPLICABLE. IF A  
36 PERSON OTHER THAN THE RESIDENT SIGNS THE CONSENT FORM, THAT PERSON SHALL  
37 INDICATE THE SOURCE OF AUTHORITY ALLOWING THE PERSON'S SIGNATURE AND SHALL  
38 ATTEST ON THE FORM THAT THE RESIDENT WAS ASKED IF THE RESIDENT WANTS  
39 ELECTRONIC MONITORING TO BE CONDUCTED AND THE RESIDENT DID NOT  
40 AFFIRMATIVELY OBJECT.
- 41           10. IF THE ELECTRONIC MONITORING REQUIRES ROOMMATE CONSENT PURSUANT  
42 TO SECTION 36-447.55, THE SIGNED CONSENT OF THE RESIDENT'S ROOMMATE OR THE  
43 ROOMMATE'S AUTHORIZED REPRESENTATIVE, IF APPLICABLE. IF A ROOMMATE'S  
44 AUTHORIZED REPRESENTATIVE SIGNS THE CONSENT FORM, THAT PERSON SHALL  
45 INDICATE THE SOURCE OF AUTHORITY ALLOWING THE PERSON'S SIGNATURE AND SHALL

1 ATTEST ON THE FORM THAT THE ROOMMATE WAS ASKED IF THE ROOMMATE AGREES TO  
2 THE ELECTRONIC MONITORING TO BE CONDUCTED AS PROPOSED BY THE RESIDENT AND  
3 THE ROOMMATE DID NOT AFFIRMATIVELY OBJECT.

4 11. A SIGNATURE AND DATE BOX FOR DOCUMENTING THE SIGNATURE AND  
5 CONSENT OF THE RESIDENT, THE RESIDENT'S AUTHORIZED REPRESENTATIVE, THE  
6 ROOMMATE OR THE ROOMMATE'S AUTHORIZED REPRESENTATIVE.

7 B. THE DEPARTMENT SHALL ISSUE THE REQUIRED NOTICE AND CONSENT FORM  
8 REQUIRED IN THIS ARTICLE NOT LATER THAN SIXTY DAYS AFTER THE EFFECTIVE  
9 DATE OF THIS SECTION. IF THE DEPARTMENT HAS NOT ISSUED THE FORM BY THAT  
10 DATE, A RESIDENT MAY USE A FORM THAT SUBSTANTIALLY COMPLIES WITH THIS  
11 ARTICLE UNTIL THE DEPARTMENT-PRESCRIBED FORM IS AVAILABLE. THIS SECTION  
12 DOES NOT INVALIDATE A NOTICE AND CONSENT FORM THAT WAS USED BEFORE THE  
13 DEPARTMENT CIRCULATES A DEPARTMENT-PRESCRIBED FORM SOLELY DUE TO THE FORM  
14 NOT BEING THE FORM PRESCRIBED BY THE DEPARTMENT.

15 36-447.55. Roommate consent requirement; refusal to consent;  
16 accommodations; withdrawal of consent

17 A. BEFORE IMPLEMENTING ELECTRONIC MONITORING, A RESIDENT OR  
18 RESIDENT'S AUTHORIZED REPRESENTATIVE SHALL OBTAIN THE WRITTEN CONSENT ON  
19 THE NOTICE AND CONSENT FORM OF ANY OTHER RESIDENT RESIDING IN THE SHARED  
20 ROOM OR SHARED PRIVATE LIVING UNIT. THE RESIDENT OR RESIDENT'S AUTHORIZED  
21 REPRESENTATIVE SHALL DESCRIBE THE FORM, FORMAT AND SCOPE OF ELECTRONIC  
22 MONITORING TO WHICH THE ROOMMATE OR ROOMMATE'S AUTHORIZED REPRESENTATIVE  
23 AGREES, INCLUDING THE SPECIFICATIONS PRESCRIBED IN SECTION 36-447.54.

24 B. THE CONSENT OF A ROOMMATE OR THE ROOMMATE'S AUTHORIZED  
25 REPRESENTATIVE UNDER THIS SECTION AUTHORIZES THE RESIDENT'S USE OF ANY  
26 ELECTRONIC MONITORING OBTAINED UNDER THIS ARTICLE.

27 C. THIS ARTICLE DOES NOT PREVENT TWO ROOMMATES FROM JOINTLY  
28 NOTIFYING THE FACILITY OF THEIR JOINT PLAN TO USE ELECTRONIC MONITORING.

29 D. ANY RESIDENT WHO IS CONDUCTING ELECTRONIC MONITORING THAT  
30 REQUIRES ROOMMATE CONSENT AND WHO HAS A NEW ROOMMATE SHALL IMMEDIATELY  
31 REMOVE OR DISABLE AN ELECTRONIC MONITORING DEVICE WHEN THE NEW ROOMMATE  
32 MOVES INTO A SHARED ROOM OR SHARED PRIVATE LIVING UNIT, UNLESS OR UNTIL  
33 THE RESIDENT OBTAINS THE WRITTEN CONSENT OF THE NEW ROOMMATE OR THE  
34 ROOMMATE'S AUTHORIZED REPRESENTATIVE AS REQUIRED BY THIS SECTION. ON  
35 OBTAINING THE NEW ROOMMATE'S SIGNED NOTICE AND CONSENT FORM AND SUBMITTING  
36 THE FORM TO THE FACILITY, THE RESIDENT MAY RESUME ELECTRONIC MONITORING.

37 E. IF A RESIDENT WHO IS RESIDING IN A SHARED ROOM OR SHARED LIVING  
38 UNIT HAS A ROOMMATE WHO REFUSES TO CONSENT TO THE USE OF THE ELECTRONIC  
39 MONITORING DEVICE AND THE PARTIES CANNOT AGREE TO A MODIFICATION OF THE  
40 RESIDENT'S DESIRED ELECTRONIC MONITORING, THE FACILITY SHALL MAKE A  
41 REASONABLE ATTEMPT TO ACCOMMODATE THE RESIDENT WHO WANTS TO CONDUCT  
42 ELECTRONIC MONITORING. A FACILITY MEETS THE REQUIREMENT TO REASONABLY  
43 ATTEMPT TO ACCOMMODATE A RESIDENT OR A RESIDENT'S AUTHORIZED  
44 REPRESENTATIVE WHO WANTS TO CONDUCT ELECTRONIC MONITORING PURSUANT TO THIS  
45 SUBSECTION IF THE FACILITY OFFERS TO MOVE THE RESIDENT AT THE RESIDENT'S

1 EXPENSE TO ANOTHER SHARED ROOM OR SHARED LIVING UNIT THAT IS AVAILABLE AT  
2 THE TIME OF THE REQUEST. IF A RESIDENT CHOOSES TO RESIDE IN A PRIVATE  
3 ROOM OR PRIVATE LIVING UNIT IN A FACILITY IN ORDER TO ACCOMMODATE THE USE  
4 OF AN ELECTRONIC MONITORING DEVICE, THE RESIDENT SHALL PAY THE FACILITY'S  
5 PRIVATE ROOM RATE. THE FACILITY IS NOT REQUIRED TO PROVIDE A PRIVATE  
6 ROOM, A SINGLE-BED ROOM OR A PRIVATE LIVING UNIT TO A RESIDENT WHO IS  
7 UNABLE OR UNWILLING TO PAY.

8 F. A ROOMMATE OR THE ROOMMATE'S AUTHORIZED REPRESENTATIVE MAY  
9 WITHDRAW CONSENT TO ELECTRONIC MONITORING AT ANY TIME. THE WITHDRAWAL OF  
10 CONSENT SHALL BE DOCUMENTED ON THE ORIGINAL NOTICE AND CONSENT FORM. THE  
11 RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE SHALL IMMEDIATELY  
12 REMOVE OR DISABLE THE ELECTRONIC MONITORING DEVICE WHEN CONSENT IS  
13 WITHDRAWN BY A ROOMMATE OR THE ROOMMATE'S AUTHORIZED REPRESENTATIVE, AND  
14 THE FACILITY SHALL MAKE A REASONABLE ATTEMPT TO ACCOMMODATE THE RESIDENT  
15 OR RESIDENT'S AUTHORIZED REPRESENTATIVE WHO WANTS TO CONTINUE TO CONDUCT  
16 ELECTRONIC MONITORING PURSUANT TO THIS SECTION.

17 36-447.56. Facilities; signage; requirements

18 A. A FACILITY WHERE ELECTRONIC MONITORING IS OCCURRING SHALL POST A  
19 SIGN AT EACH FACILITY ENTRANCE THAT STATES, IN ENGLISH AND IN SPANISH:  
20 "ELECTRONIC MONITORING DEVICES, INCLUDING SECURITY CAMERAS AND AUDIO  
21 DEVICES, MAY BE PRESENT TO RECORD PERSONS AND ACTIVITIES." THE SIGN SHALL  
22 BE IN LARGE, CLEARLY LEGIBLE TYPE AND FONT. THE FACILITY SHALL BEAR THE  
23 COSTS ASSOCIATED WITH INSTALLING AND MAINTAINING THE SIGN REQUIRED BY THIS  
24 SUBSECTION.

25 B. A RESIDENT WHO CONDUCTS AUTHORIZED ELECTRONIC MONITORING OR THE  
26 RESIDENT'S AUTHORIZED REPRESENTATIVE MAY POST AND MAINTAIN A NOTICE AT THE  
27 ENTRANCE TO THE RESIDENT'S ROOM STATING THAT THE ROOM IS BEING MONITORED  
28 BY AN ELECTRONIC MONITORING DEVICE.

29 36-447.57. Electronic monitoring devices; responsibility for  
30 costs; internet service; accommodations;  
31 interference or tampering prohibited

32 A. A RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE WHO  
33 CHOOSES TO CONDUCT ELECTRONIC MONITORING SHALL DO SO AT THE RESIDENT'S OWN  
34 EXPENSE, INCLUDING PURCHASE, INSTALLATION, INTERNET SERVICE, MAINTENANCE  
35 AND REMOVAL COSTS. THE RESIDENT OR AUTHORIZED REPRESENTATIVE IS SOLELY  
36 RESPONSIBLE FOR:

37 1. CHOOSING THE ELECTRONIC MONITORING DEVICE, SUBJECT TO THE LIMITS  
38 PRESCRIBED IN THIS SECTION.

39 2. PAYING THE COST OF THE ELECTRONIC MONITORING DEVICE AND THE COST  
40 OF INSTALLING, MAINTAINING AND REMOVING THE ELECTRONIC MONITORING DEVICE,  
41 IF APPLICABLE, OTHER THAN THE COST OF ELECTRICITY USED TO POWER THE  
42 ELECTRONIC MONITORING DEVICE. AFTER REMOVING THE ELECTRONIC MONITORING  
43 DEVICE, THE RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE SHALL  
44 RESTORE THE FACILITY'S PROPERTY TO ITS CONDITION BEFORE THE ELECTRONIC  
45 MONITORING DEVICE WAS INSTALLED.

1           3. IF APPLICABLE, PAYING THE COST OF INTERNET SERVICE FOR AN  
2 ELECTRONIC MONITORING DEVICE.

3           B. A FACILITY IS NOT REQUIRED TO PROVIDE INTERNET SERVICE OR  
4 NETWORK ACCESS TO ANY ELECTRONIC MONITORING DEVICE INSTALLED BY A RESIDENT  
5 OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE. ANY INTERNET SERVICE FOR AN  
6 ELECTRONIC MONITORING DEVICE IS THE SOLE RESPONSIBILITY OF THE RESIDENT OR  
7 THE RESIDENT'S AUTHORIZED REPRESENTATIVE.

8           C. A FACILITY MAY CHOOSE TO PROVIDE INTERNET SERVICE OR NETWORK  
9 ACCESS AND CHARGE A RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE  
10 FOR THE INTERNET SERVICE OR NETWORK ACCESS THAT IS USED FOR AN ELECTRONIC  
11 MONITORING DEVICE INSTALLED BY THE RESIDENT OR AUTHORIZED REPRESENTATIVE.  
12 THE COST OF THE INTERNET SERVICE OR NETWORK ACCESS CHARGED TO THE RESIDENT  
13 OR AUTHORIZED REPRESENTATIVE MAY NOT EXCEED THE ACTUAL COST OF THE  
14 INTERNET SERVICE OR NETWORK ACCESS INCURRED BY THE FACILITY.

15           D. A FACILITY MAY NOT PREVENT A RESIDENT OR THE RESIDENT'S  
16 AUTHORIZED REPRESENTATIVE FROM PURCHASING, MAINTAINING AND PAYING FOR  
17 SEPARATE INTERNET SERVICE OR NETWORK ACCESS THAT IS INDEPENDENT FROM THE  
18 FACILITY'S INTERNET SERVICE OR NETWORK.

19           E. AN ELECTRONIC MONITORING DEVICE CHOSEN BY A RESIDENT OR THE  
20 RESIDENT'S AUTHORIZED REPRESENTATIVE MUST BE CAPABLE OF BEING TEMPORARILY  
21 DISABLED OR TURNED ON AND OFF BY THE RESIDENT OR AUTHORIZED REPRESENTATIVE  
22 CONSISTENT WITH THE RESIDENT'S CHOICES RELATING TO ACTIVATION AND  
23 DEACTIVATION AS OUTLINED IN THE NOTICE AND CONSENT FORM. IF THE  
24 ELECTRONIC MONITORING DEVICE TRANSMITS VIDEO OR OTHER VISUAL DISPLAYS,  
25 BROADCASTS OR RECORDINGS, THE ELECTRONIC MONITORING DEVICE, TO THE  
26 GREATEST EXTENT PRACTICABLE, MUST BE INSTALLED:

- 27           1. WITH A FIXED VIEWPOINT OF THE LIVING QUARTERS.  
28           2. IN A MANNER THAT AVOIDS CAPTURING IMAGES OF ACTIVITIES SUCH AS  
29 BATHING, DRESSING AND TOILETING.  
30           3. IN A CONSPICUOUSLY VISIBLE LOCATION IN THE ROOM.

31           F. A FACILITY SHALL MAKE A REASONABLE ATTEMPT TO ACCOMMODATE THE  
32 RESIDENT'S ELECTRONIC MONITORING INSTALLATION NEEDS, UNLESS DOING SO WOULD  
33 PLACE AN UNDUE BURDEN ON THE FACILITY. A FACILITY HAS THE BURDEN OF  
34 PROVING THAT THE REQUESTED ACCOMMODATION IS NOT REASONABLE. ACCOMMODATIONS  
35 INCLUDE:

- 36           1. PROVIDING A REASONABLY SECURE PLACE TO MOUNT THE DEVICE.  
37           2. PROVIDING ACCESS TO POWER SOURCES FOR THE DEVICE.  
38           3. ALLOWING ACCESS TO THE FACILITY'S PUBLIC-USE INTERNET OR WI-FI  
39 SYSTEMS WHEN AVAILABLE FOR OTHER PUBLIC USES.

40           G. A PERSON OTHER THAN THE RESIDENT, THE RESIDENT'S AUTHORIZED  
41 REPRESENTATIVE OR AN INDIVIDUAL EXPRESSLY AUTHORIZED BY THE RESIDENT OR  
42 RESIDENT'S AUTHORIZED REPRESENTATIVE MAY NOT:

- 43           1. OBSTRUCT, TAMPER WITH OR DESTROY THE ELECTRONIC MONITORING  
44 DEVICE OR ANY RECORDING MADE BY THE ELECTRONIC MONITORING DEVICE.

1           2. VIEW OR LISTEN TO ANY IMAGE OR SOUND THAT IS DISPLAYED,  
2 BROADCAST OR RECORDED BY THE ELECTRONIC MONITORING DEVICE.

3           H. A PERSON MAY NOT KNOWINGLY TOUCH, HAMPER, OBSTRUCT, TAMPER WITH  
4 OR DESTROY AN ELECTRONIC MONITORING DEVICE PLACED IN A RESIDENT'S ROOM OR  
5 PRIVATE LIVING UNIT WITHOUT THE PERMISSION OF THE RESIDENT OR RESIDENT'S  
6 AUTHORIZED REPRESENTATIVE.

7           I. IT IS NOT A VIOLATION OF THIS SECTION IF A PERSON TURNS OFF THE  
8 ELECTRONIC MONITORING DEVICE OR BLOCKS THE VISUAL RECORDING COMPONENT OF  
9 THE ELECTRONIC MONITORING DEVICE AT THE DIRECTION OF THE RESIDENT OR  
10 RESIDENT'S AUTHORIZED REPRESENTATIVE, CONSISTENT WITH THE RESIDENT'S  
11 NOTICE AND CONSENT FORM.

12           J. A FACILITY MAY NOT INTERFERE WITH THE RIGHT OF A RESIDENT TO USE  
13 AN ELECTRONIC MONITORING DEVICE AND MAY NOT REQUIRE A RESIDENT TO SUBMIT A  
14 REQUEST FOR APPROVAL.

15           36-447.58. Authority to access recorded images or sounds;  
16 confidentiality; admissibility as evidence

17           A. ANY RECORDING OBTAINED AS THE RESULT OF AUTHORIZED ELECTRONIC  
18 MONITORING PURSUANT TO THIS ARTICLE IS CONSIDERED THE PERSONAL PROPERTY OF  
19 THE RESIDENT WHO INSTALLED THE ELECTRONIC MONITORING DEVICE.

20           B. EXCEPT AS OTHERWISE DESCRIBED IN THIS SECTION, A PERSON,  
21 FACILITY OR FACILITY REPRESENTATIVE MAY NOT ACCESS ANY VIDEO OR AUDIO  
22 RECORDING CREATED THROUGH AUTHORIZED ELECTRONIC MONITORING WITHOUT THE  
23 WRITTEN CONSENT OF THE RESIDENT OR THE RESIDENT'S AUTHORIZED  
24 REPRESENTATIVE. THE FOLLOWING PERSONS MAY VIEW OR LISTEN TO THE IMAGES OR  
25 SOUNDS THAT ARE DISPLAYED, BROADCAST OR RECORDED BY AN ELECTRONIC  
26 MONITORING DEVICE INSTALLED AND USED PURSUANT TO THIS ARTICLE OR MAY  
27 TEMPORARILY DISABLE OR TURN OFF THE DEVICE:

28           1. ANYONE TO WHOM THE RESIDENT OR AUTHORIZED REPRESENTATIVE GRANTS  
29 PERMISSION.

30           2. A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY WHO IS CONDUCTING  
31 AN INVESTIGATION.

32           3. A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH SERVICES OR THE  
33 DEPARTMENT OF ECONOMIC SECURITY, DIVISION OF ADULT PROTECTIVE SERVICES,  
34 WHO IS CONDUCTING AN INVESTIGATION.

35           4. THE STATE LONG-TERM CARE OMBUDSMAN, WITH THE PERMISSION OF THE  
36 RESIDENT OR AUTHORIZED REPRESENTATIVE.

37           5. AN ATTORNEY WHO IS REPRESENTING THE RESIDENT OR A ROOMMATE OF  
38 THE RESIDENT AND WHO ACTS WITHIN THE SCOPE OF THAT REPRESENTATION.

39           C. AN EMPLOYEE OF THE FACILITY OR AN EMPLOYEE OF A CONTRACTOR  
40 PROVIDING SERVICES AT THE FACILITY WHO IS THE SUBJECT OF PROPOSED  
41 DISCIPLINARY ACTION BASED ON IMAGES, VIDEO OR SOUND OBTAINED BY THE  
42 RESIDENT'S ELECTRONIC MONITORING MAY BE GIVEN ACCESS TO THAT MATERIAL FOR  
43 PURPOSES OF DEFENDING AGAINST THE PROPOSED ACTION, CONSISTENT WITH THE  
44 RULES OF EVIDENCE AND PROCEDURE IN THAT JURISDICTION, IF APPLICABLE. ANY  
45 PERSON, INCLUDING AN EMPLOYEE OF THE FACILITY OR AN EMPLOYEE OF A

1 CONTRACTOR AGENCY, WHO VIEWS, HEARS, OBTAINS OR RECEIVES A RECORDING OR A  
2 COPY OF THE RECORDING OF ANY MATERIAL OBTAINED THROUGH ELECTRONIC  
3 MONITORING SHALL TREAT THE MATERIAL RECORDING OR COPY CONFIDENTIALLY AND  
4 MAY NOT FURTHER DISSEMINATE IT TO ANY OTHER PERSON EXCEPT AS REQUIRED BY  
5 LAW. ANY COPY OF THE RECORDING SHALL BE RETURNED TO THE FACILITY OR THE  
6 RESIDENT WHO PROVIDED THE COPY WHEN IT IS NO LONGER NEEDED FOR PURPOSES OF  
7 DEFENDING AGAINST A PROPOSED ACTION.

8 D. EXCEPT AS PROHIBITED BY ANY OTHER STATE OR FEDERAL LAW, A  
9 RECORDING OR COPY OF A RECORDING MADE AS PROVIDED IN THIS ARTICLE MAY BE  
10 DISSEMINATED ONLY BY THE RESIDENT OR THE RESIDENT'S AUTHORIZED  
11 REPRESENTATIVE OR BY ANY RECIPIENT OF THE RECORDING FOR THE PURPOSE OF  
12 ADDRESSING HEALTH, SAFETY OR WELFARE CONCERNS OF ONE OR MORE RESIDENTS.  
13 A RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE MAY NOT POST OR  
14 SHARE ANY VIDEO OR AUDIO RECORDING CREATED THROUGH AUTHORIZED ELECTRONIC  
15 MONITORING ON A SOCIAL MEDIA PLATFORM OR WEBSITE WITHOUT THE CONSENT OF  
16 EACH INDIVIDUAL WHO IS DEPICTED IN THE VIDEO OR AUDIO RECORDING.

17 E. THE RESIDENT OR RESIDENT'S AUTHORIZED REPRESENTATIVE SHALL  
18 PROVIDE A COPY OF ANY VIDEO OR AUDIO RECORDING TO ANY AUTHORIZED PARTY  
19 INVOLVED IN A CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDING ON REASONABLE  
20 REQUEST BY A PARTY OF ANY PROCEEDING RELATED TO OR ARISING OUT OF HEALTH,  
21 SAFETY OR WELFARE CONCERNS OF ONE OR MORE RESIDENTS THAT IS RECORDED,  
22 DISCOVERED OR CAPTURED IN THE ELECTRONIC MONITORING VIDEO OR AUDIO MADE  
23 DURING THE TIME PERIOD THAT THE CONDUCT AT ISSUE IN THE PROCEEDING  
24 ALLEGEDLY OCCURRED.

25 F. SUBJECT TO APPLICABLE RULES OF EVIDENCE AND PROCEDURE, ANY VIDEO  
26 OR AUDIO RECORDING CREATED THROUGH ELECTRONIC MONITORING UNDER THIS  
27 SECTION MAY BE ADMITTED INTO EVIDENCE IN A CIVIL, CRIMINAL OR  
28 ADMINISTRATIVE PROCEEDING.

29 36-447.59. Facilities; resident protections; contracts

30 A. A FACILITY MAY NOT:

31 1. REMOVE A CURRENT RESIDENT OR REFUSE TO ADMIT A POTENTIAL  
32 RESIDENT OR OTHERWISE DISCRIMINATE OR RETALIATE AGAINST A RESIDENT OR  
33 POTENTIAL RESIDENT BECAUSE OF THE RESIDENT'S OR POTENTIAL RESIDENT'S  
34 DECISION TO CONDUCT ELECTRONIC MONITORING OF THE RESIDENT'S ROOM.

35 2. RETALIATE OR DISCRIMINATE AGAINST ANY RESIDENT FOR CONSENTING OR  
36 REFUSING TO CONSENT TO ELECTRONIC MONITORING.

37 3. INFLUENCE OR ATTEMPT TO INFLUENCE ANY ROOMMATE TO OBJECT OR  
38 WITHDRAW CONSENT FOR THE PURPOSE OF OBFUSCATING A RESIDENT'S CHOICE TO  
39 HAVE ELECTRONIC MONITORING OR MOVE OR ATTEMPT TO MOVE INTO A RESIDENT'S  
40 ROOM A NEW ROOMMATE WHO THE FACILITY KNOWS WILL OR IS LIKELY TO OBJECT TO  
41 MONITORING FOR THE PURPOSE OF OBFUSCATING THE RESIDENT'S CHOICE TO HAVE  
42 ELECTRONIC MONITORING.

43 B. A CONTRACT THAT PROHIBITS, LIMITS OR OTHERWISE MODIFIES THE  
44 RIGHTS AND OBLIGATIONS UNDER THIS ARTICLE IS CONTRARY TO PUBLIC POLICY AND  
45 IS VOID AND UNENFORCEABLE.

1           36-447.60. Facilities; employees; protections; policies  
2           A. A FACILITY MAY NOT BE HELD LIABLE FOR ANY BREACH OF PRIVACY OR  
3 DATA SECURITY RELATED TO ANY ELECTRONIC MONITORING DEVICE INSTALLED BY A  
4 RESIDENT OR THE RESIDENT'S AUTHORIZED REPRESENTATIVE.  
5           B. A FACILITY IS NOT RESPONSIBLE FOR MAINTAINING, REPAIRING OR  
6 REPLACING ANY ELECTRONIC MONITORING DEVICE INSTALLED BY A RESIDENT OR THE  
7 RESIDENT'S AUTHORIZED REPRESENTATIVE UNLESS THE DAMAGE IS CAUSED BY  
8 FACILITY STAFF.  
9           C. A FACILITY MAY NOT BE HELD RESPONSIBLE FOR ANY ELECTRONIC  
10 MONITORING DEVICE THAT DOES NOT WORK DURING A POWER OUTAGE.  
11           D. EACH FACILITY SHALL HAVE A POLICY OR PROCEDURE TO NOTIFY  
12 EMPLOYEES THAT ELECTRONIC MONITORING MAY BE TAKING PLACE IN A RESIDENT'S  
13 PRIVATE LIVING SPACE. EACH FACILITY SHALL HAVE A POLICY OR PROCEDURE  
14 REGARDING EMPLOYEES WHO REFUSE TO ENTER THE LIVING QUARTERS OF A RESIDENT  
15 THAT CONTAINS AN ELECTRONIC MONITORING DEVICE INSTALLED PURSUANT TO THIS  
16 ARTICLE.  
17           36-447.61. Civil penalty  
18           THE DEPARTMENT MAY ASSESS A CIVIL PENALTY PURSUANT TO SECTION  
19 36-431.01 AGAINST A FACILITY THAT VIOLATES THIS ARTICLE.  
20           36-447.62. Rulemaking  
21           THE DEPARTMENT SHALL ADOPT ANY RULES NECESSARY TO IMPLEMENT THIS  
22 ARTICLE.