

**SENATE BILL No. 456**

By Committee on Ways and Means

2-15

1 AN ACT concerning adult care homes; relating to electronic monitoring.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) As used in this section:

5 (1) "Adult care home" means the same as defined in K.S.A. 39-923,  
6 and amendments thereto;

7 (2) "authorized electronic monitoring" means the placement of one or  
8 more electronic monitoring devices in the room of an adult care home  
9 resident and making recordings with such devices after making a request  
10 to the adult care home to allow electronic monitoring; and

11 (3) "electronic monitoring device" means a video surveillance camera  
12 or an audio device designed to acquire communications or other sounds  
13 occurring in the room, but not to intercept wire or electronic  
14 communications.

15 (b) An adult care home shall permit a resident, or such resident's  
16 guardian or legal representative, to conduct authorized electronic  
17 monitoring in the resident's room subject to the requirements of this  
18 section.

19 (c) An adult care home shall not discharge or refuse to admit a  
20 resident or person based on a request to conduct authorized electronic  
21 monitoring.

22 (d) A resident, or such resident's guardian or legal representative, who  
23 wishes to conduct authorized electronic monitoring shall make a request to  
24 the adult care home on a form prescribed by the secretary for aging and  
25 disability services. Such form shall be maintained in such person's resident  
26 file at the adult care home and shall require the resident, or such resident's  
27 guardian or legal representative, to:

28 (1) Release the adult care home from any civil liability for a violation  
29 of the resident's privacy rights in connection with the use of the electronic  
30 monitoring device;

31 (2) if the electronic monitoring device is a video surveillance camera,  
32 choose whether the camera will always be unobstructed or will be  
33 obstructed in specified circumstances to protect the dignity of the resident;  
34 and

35 (3) if the resident resides in a multi-resident room, obtain the consent  
36 of other residents in the room on a form prescribed for this purpose by the

1 secretary.

2 (e) An adult care home shall make reasonable physical  
3 accommodations for authorized electronic monitoring, including:

4 (1) Providing a reasonably secure place to mount the electronic  
5 monitoring device; and

6 (2) providing access to power sources for the electronic monitoring  
7 device.

8 (f) A resident, or such resident's guardian or legal representative, shall  
9 pay all costs associated with installing and maintaining an electronic  
10 monitoring device requested under this section.

11 (g) (1) Each adult care home shall post a conspicuous notice at the  
12 entrance to the adult care home stating that the rooms of some residents  
13 may be monitored electronically by or on behalf of the room's resident or  
14 residents.

15 (2) Each adult care home shall require that a resident, or such  
16 resident's guardian or legal representative, who conducts authorized  
17 electronic monitoring to post a conspicuous notice at the entrance to the  
18 resident's room stating that the room is being monitored electronically.

19 (h) On or before a person's admission to an adult care home, such  
20 person shall complete and sign a form prescribed by the secretary for  
21 aging and disability services. Such form shall be maintained in such  
22 person's resident file at the adult care home and shall state the following:

23 (1) That a person who places an electronic monitoring device in a  
24 resident's room or discloses a recording made by such device may be  
25 civilly liable for any unlawful violation of the privacy rights of another  
26 person;

27 (2) that a resident, or such resident's guardian or legal representative,  
28 is entitled to conduct authorized electronic monitoring under this section;

29 (3) the basic procedures required to request authorized electronic  
30 monitoring;

31 (4) who may request authorized electronic monitoring;

32 (5) who may consent to authorized electronic monitoring; and

33 (6) any other information related to authorized electronic monitoring  
34 that the secretary deems necessary or appropriate to include on such form.

35 (i) The secretary for aging and disability services shall adopt rules  
36 and regulations as may be necessary to administer the provisions of this  
37 section.

38 Sec. 2. This act shall take effect and be in force from and after its  
39 publication in the statute book.