

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1350 Session of
2025

INTRODUCED BY M. BROWN, PICKETT, SCIALABBA, ROWE, STEHR,
K.HARRIS AND COOPER, APRIL 30, 2025

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 30, 2025

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," providing for resident care
10 monitoring; and imposing penalties.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
14 as the Health Care Facilities Act, is amended by adding a
15 chapter to read:

16 CHAPTER 8-D

17 RESIDENT CARE MONITORING

18 Section 801-D. Scope of chapter.

19 This chapter relates to resident care monitoring.

20 Section 802-D. Definitions.

21 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Electronic monitoring device." A surveillance instrument
4 with a fixed position video camera or an audio recording device,
5 or a combination of fixed position video camera or audio
6 recording device, that is installed in a resident's room and
7 broadcasts or records activities or sounds occurring in the
8 room.

9 "Facility." The term shall have the same meaning as the term
10 "long-term care nursing facility" is defined in section 802.1.

11 "Guardian." A fiduciary who has the care and management of
12 the estate or person of an incapacitated person under the
13 provisions of 20 Pa.C.S. Ch. 55 (relating to incapacitated
14 persons). The term includes a health care agent as defined in 20
15 Pa.C.S. § 5422 (relating to definitions).

16 "Resident." An individual who resides in a facility in this
17 Commonwealth.

18 Section 803-D. Use of electronic monitoring devices.

19 A resident or the guardian of the resident may authorize the
20 installation and use of an electronic monitoring device in the
21 resident's room, as provided under this chapter.

22 Section 804-D. Conditions of consent.

23 (a) Form.--

24 (1) A resident or the guardian of the resident who
25 authorizes the installation of an electronic monitoring
26 device in a facility shall notify the facility on an
27 electronic monitoring device authorization form prescribed by
28 the department and provided by the facility to the resident
29 and, if applicable, the guardian of the resident.

30 (2) The form in paragraph (1) shall:

1 (i) Require the resident or the guardian of the
2 resident to choose whether the electronic monitoring
3 device should always be unobstructed or whether the
4 camera should be obstructed in specified circumstances to
5 protect the dignity of the resident.

6 (ii) Specify that the consent of other residents
7 residing in the same room as the resident must be
8 obtained regarding the use of the electronic monitoring
9 device.

10 (iii) Include:

11 (A) An explanation of this article.

12 (B) An acknowledgment that the resident or
13 resident's guardian has consented to the installation
14 and use of the electronic monitoring device in the
15 resident's room.

16 (C) For a resident who lives in a room with
17 another resident, an acknowledgment that the other
18 resident or other resident's guardian has consented
19 to the installation and use of the electronic
20 monitoring device and a description of any conditions
21 placed on that consent.

22 (D) A section for providing the facility with
23 information regarding the type, function and use of
24 the electronic monitoring device to be installed and
25 used.

26 (E) A section stating that the facility is
27 released from liability in a civil or criminal action
28 or administrative proceeding for a violation of the
29 resident's right to privacy in connection with using
30 the electronic monitoring device.

1 (F) An acknowledgment that the resident is
2 responsible for the installation, removal and
3 maintenance costs, including Internet service costs
4 and network access costs associated with using an
5 electronic monitoring device.

6 (G) An acknowledgment that an electronic
7 monitoring device may not be used until the required
8 consent of all residents in the room has been
9 obtained.

10 (b) Written consent.--Subject to subsection (c), written
11 consent for an electronic monitoring device in a facility shall
12 be given only by:

13 (1) A resident who has capacity to sign the consent
14 form.

15 (2) The guardian of the resident, if the resident has
16 been judicially declared to lack capacity required to sign
17 the consent form.

18 (c) Residents occupying same room.--

19 (1) Prior to the use of the electronic monitoring
20 device, written consent shall be given by each other
21 resident, or the guardian of each other resident, who resides
22 in the same room as the resident for whom an electronic
23 monitoring device in a facility is being used.

24 (2) Another resident who resides in the same room as the
25 resident for whom an electronic monitoring device in a
26 facility is being used may:

27 (i) If the electronic monitoring device is a video
28 surveillance camera, condition consent on the camera
29 being pointed away from the resident residing in the same
30 room or in private areas of the room.

1 (ii) Revoke that resident's consent at any time, if
2 the revocation is in writing. The revocation of consent
3 shall be kept on file at the facility on a form
4 prescribed by the department. A copy of the form shall be
5 given to the resident and, if applicable, the guardian of
6 the resident.

7 (3) The written consent under paragraph (1) shall
8 include that the facility is released from liability in a
9 civil or criminal action or administrative proceeding for a
10 violation of the resident's right to privacy in connection
11 with using the electronic monitoring device.

12 (d) Discrimination prohibited.--Neither a prospective
13 resident nor a resident may be denied admission to or discharged
14 from a facility or be otherwise discriminated against or
15 retaliated against for consenting to use an electronic
16 monitoring device.

17 (e) Requests for room changes.--A facility shall make every
18 effort to accommodate a resident or the guardian of the resident
19 desiring to utilize an electronic monitoring device to move to
20 another room if the resident or guardian of the resident
21 requests a room change within a reasonable amount of time. A
22 facility may not be cited by the department if the facility
23 cannot accommodate a room change requested for this purpose.

24 (f) Guardians.--The guardian of a resident shall provide:

25 (1) The guardian's name, address and telephone number.

26 (2) Documentation establishing the guardianship.

27 Section 805-D. Notice.

28 (a) Main entrances.--A facility shall post at or near its
29 main entrances a sign that clearly states that electronic
30 monitoring devices may be in use in the facility.

1 (b) Residents' rooms.--Additional notice shall be displayed
2 at the entrance of the room of a resident with an electronic
3 monitoring device stating that the room is being monitored and
4 operation.

5 Section 806-D. Placement and operation.

6 (a) Fixed position and limitation.--An electronic monitoring
7 device shall be placed in a fixed position and in a conspicuous
8 location. An electronic monitoring device may not be placed in a
9 bathroom.

10 (b) Capabilities.--An electronic monitoring device shall be
11 capable of being temporarily turned on and off.

12 Section 807-D. Admission or discharge.

13 An individual or resident may not be denied admission to or
14 discharged from a facility or discriminated or retaliated
15 against because of the decision to authorize the installation
16 and use of an electronic monitoring device in a resident's room
17 in the facility.

18 Section 808-D. Obstruction or interception.

19 (a) Obstruction.--An individual, other than the resident or
20 resident's guardian who authorized the installation and use of
21 an electronic monitoring device in the resident's room in a
22 facility, may not intentionally obstruct, tamper with or destroy
23 the electronic monitoring device or a recording made by the
24 electronic monitoring device.

25 (b) Viewing.--Except as provided under subsection (c), an
26 individual, other than the following, may not intentionally view
27 or listen to the images displayed or sounds recorded by an
28 electronic monitoring device installed in a resident's room:

29 (1) The resident.

30 (2) The resident's guardian.

1 (3) Law enforcement personnel.

2 (c) Authorization.--A resident or resident's guardian may
3 authorize an individual to view or listen to the images
4 displayed or sounds recorded by an electronic monitoring device
5 installed in a resident's room.

6 (d) Limitation.--Except as otherwise provided in this
7 section, images displayed or sounds recorded by an electronic
8 monitoring device installed in a resident's room may not be
9 shared with a third party or on the Internet.

10 Section 809-D. Fines and offenses.

11 (a) Fine.--An individual who violates section 808-D shall be
12 fined \$100 for a first offense. For each subsequent offense, the
13 violation shall be fined \$500.

14 (b) Criminal offense.--A violation of section 808-D shall
15 constitute a misdemeanor of the first degree. An individual or
16 entity that intentionally or knowingly hampers, obstructs,
17 tampers with or destroys a recording or an electronic monitoring
18 device installed in a facility shall be subject to the penalties
19 prescribed in 18 Pa.C.S. § 4910 (relating to tampering with or
20 fabricating physical evidence) as it relates to tampering of
21 physical evidence.

22 Section 810-D. Exceptions to prohibition of interception and
23 disclosure of communications.

24 It shall not be unlawful and prior court approval shall not
25 be required under 18 Pa.C.S. Ch. 57 (relating to wiretapping and
26 electronic surveillance) for:

27 (1) A resident of a facility who has consented to the
28 installation and use of an electronic monitoring device in
29 the resident's room under this chapter for purposes of
30 listening to the sounds and audio recordings from the

1 electronic monitoring device.

2 (2) The guardian of a resident of a facility who has
3 consented to the installation of an electronic monitoring
4 device in the resident's room under this chapter for purposes
5 of listening to the sounds and audio recordings from the
6 electronic monitoring device.

7 Section 811-D. Regulations and applicability.

8 (a) Regulations.--

9 (1) The department may, in consultation with the
10 Department of Aging, the State Long-Term Care Ombudsman,
11 representatives of licensed long-term care service providers
12 and other aging advocates, promulgate regulations to
13 implement this chapter.

14 (2) The department shall promulgate regulations
15 prescribing the place or places that the forms under this
16 section shall be maintained and the period for which the
17 forms shall be maintained.

18 (b) Effect of chapter.--Nothing in this chapter shall be
19 construed to supersede Federal authority regarding facilities or
20 prevent the department from taking necessary actions to render
21 the Commonwealth eligible for Federal funds or reimbursement
22 services provided in facilities.

23 (c) Law enforcement.--This chapter shall not apply if an
24 electronic monitoring device is installed by a law enforcement
25 agency and used solely for a bona fide law enforcement purpose.

26 Section 2. This act shall take effect in 60 days.