

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1832

By: Hefner and Lawson of the
House

and

Alvord of the Senate

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8
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10 COMMITTEE SUBSTITUTE

11 An Act relating to intermediate care facilities;
12 amending 63 O.S. 2021, Sections 1-1956.1, 1-1956.2,
13 1-1956.3, 1-1956.5, and 1-1956.6, which relate to
14 electronic monitoring in long-term care facilities;
15 defining term; modifying to include intermediate care
16 facilities; updating statutory references; and
17 providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1956.1, is
20 amended to read as follows:

21 Section 1-1956.1. As used in Section ~~1-1953.1~~ 1-1956.1 et seq.
22 of this title:

23 1. "Assisted living center" shall have the same meaning as
24 provided by Section 1-890.2 of this title;

1 2. "Authorized electronic monitoring" means the placement of
2 electronic monitoring devices only in the common areas ~~or~~ for
3 intermediate care facilities and both the common areas or room of a
4 resident of a nursing facility, assisted living center or continuum
5 of care facility and the tapes or recordings from such devices
6 pursuant to the provisions of Section ~~1-1953.1~~ 1-1956.1 et seq. of
7 this title;

8 3. "Authorized electronic monitoring devices" means:

9 a. video surveillance cameras installed only in the
10 common areas ~~or~~ for intermediate care facilities and
11 both the common areas or resident's room under the
12 provisions of Section ~~1-1953.1~~ et seq. of this title
13 in a nursing facility, assisted living center, or
14 continuum of care facility, or

15 b. audio devices installed in the room of a resident
16 under the provisions of Section ~~1-1953.1~~ 1-1956.1 et
17 seq. of this title that are designed to acquire
18 communications or other sounds occurring in the room;

19 4. "Continuum of care facility" shall have the same meaning as
20 provided by Section 1-890.2 of this title;

21 5. "Intermediate care facility" means an institution that is
22 primarily for the diagnosis, treatment, or rehabilitation of the
23 intellectually disabled or persons with related conditions, and
24 provides in a protected residential setting, ongoing evaluation,

1 planning, twenty-four-hour supervision, coordination, and
2 integration of health or rehabilitative services to help each
3 individual function at his or her greatest ability;

4 ~~5.~~ 6. "Nursing facility" means the term as defined in Section
5 1-1902 of Title 63 of the Oklahoma Statutes;

6 ~~6.~~ 7. "Representative of a resident" means a court-appointed
7 guardian or, if there is no court-appointed guardian, the parent of
8 a minor, a relative or other person, designated in writing by the
9 resident; provided, that any owner, operator, administrator or
10 employee of a facility subject to the provisions of the Nursing Home
11 Care Act, the Continuum of Care and Assisted Living Act, the
12 Residential Care Act or the Group Homes for the Developmentally
13 Disabled or Physically Handicapped Persons Act shall not be
14 appointed guardian or limited guardian of a resident of the nursing
15 facility, assisted living center, intermediate care facility, or
16 continuum of care facility unless the owner, operator, administrator
17 or employee is the spouse of the resident or a relative of the
18 resident within the second degree of consanguinity and is otherwise
19 eligible for appointment;

20 ~~7.~~ 8. "Resident" means a person residing in a nursing facility,
21 assisted living center, intermediate care facility, or continuum of
22 care facility; and

23 ~~8.~~ 9. "Unauthorized electronic monitoring" means electronic,
24 mechanical, or other devices that do not meet the provisions of

1 Section ~~1-1953.1~~ 1-1956.1 et seq. of this title and that are
2 specifically used for the nonconsensual interception of wire or
3 electronic communications.

4 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1956.2, is
5 amended to read as follows:

6 Section 1-1956.2. A. A nursing facility, assisted living
7 center, or continuum of care facility shall provide written notice
8 to each resident, or to the representative of a resident, that
9 authorized electronic monitoring of a resident's room conducted
10 under the provisions of Section ~~1-1953.1~~ 1-1956.1 et seq. of this
11 title is not compulsory and shall only be conducted with the written
12 consent of the resident or the representative of the resident.

13 B. A nursing facility, assisted living center, or continuum of
14 care facility shall not refuse to admit an individual to residency
15 in the facility or center and shall not remove a resident from a
16 facility or center because of authorized electronic monitoring of a
17 resident's room.

18 C. A nursing facility, assisted living center, intermediate
19 care facility, or continuum of care facility shall post at or near
20 its main entrances a sign that clearly states that electronic
21 monitoring and audio devices may be in use in the facility or
22 center.

23 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-1956.3, is
24 amended to read as follows:

1 Section 1-1956.3. A. No person or entity shall intentionally
2 hamper, obstruct, tamper with, or destroy an electronic monitoring
3 device installed in a nursing facility, assisted living center,
4 intermediate care facility, or continuum of care facility.

5 B. Any person or entity that intentionally hampers, obstructs,
6 tampers with, or destroys a recording or an electronic monitoring
7 device installed in a nursing facility, assisted living center,
8 intermediate care facility, or continuum of care facility shall be
9 subject to the penalties prescribed in Section 1993 of Title 21 of
10 the Oklahoma Statutes.

11 C. No person or entity shall intercept a communication or
12 disclose or use an intercepted communication of an electronic
13 monitoring device placed or installed in a common area of a nursing
14 facility, assisted living center, intermediate care facility, or
15 continuum of care facility without the express written consent of
16 the facility, or, for an electronic monitoring device installed in a
17 resident's room, the express written consent of the resident or the
18 representative of the resident.

19 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-1956.5, is
20 amended to read as follows:

21 Section 1-1956.5. A. A resident or the representative of a
22 resident may conduct authorized electronic monitoring of the
23 resident's room through the use of authorized electronic monitoring
24 devices placed in the room pursuant to the provisions of Section 1-

1 ~~1953.1~~ 1-1956.1 et seq. of this title at the expense of such person
2 or representative of the resident and with the written consent of
3 any other resident living in the room.

4 B. A resident who conducts authorized electronic monitoring or
5 the representative of the resident may post and maintain a notice at
6 the entrance to the resident's room stating that the room is being
7 monitored by an electronic monitoring device.

8 C. Nothing in Section ~~1-1953.1~~ 1-1956.1 et seq. of this title
9 shall be construed to prevent a resident or the representative of
10 the resident from placing an electronic monitoring device in the
11 resident's room at the expense of such person; however, if such
12 resident is sharing a room with any other resident, the resident or
13 the representative of the resident shall obtain written consent from
14 such other resident or the representative of the resident living in
15 the room and such consent shall be on a form prescribed by the State
16 Department of Health and shall be placed on file with the
17 administrator of the facility.

18 D. If a resident residing in a shared room, or the
19 representative of a resident residing in a shared room, desires to
20 utilize an authorized electronic monitoring device and another
21 resident living in such shared room refuses to consent to the use of
22 an authorized electronic monitoring device, the nursing facility,
23 assisted living center, or continuum of care facility shall
24 accommodate the resident or the representative of the resident

1 desiring to utilize an authorized electronic monitoring device to
2 move to another room if the resident or resident's representative
3 requests such a room change within a reasonable amount of time.

4 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-1956.6, is
5 amended to read as follows:

6 Section 1-1956.6. A. A resident or representative of a
7 resident who wishes to conduct authorized electronic monitoring
8 shall be required to notify the nursing facility, assisted living
9 center, or continuum of care facility on the consent form prescribed
10 by the State Department of Health.

11 B. The consent form prescribed by the Department shall require
12 the resident or the representative of a resident to obtain the
13 consent of any other resident in the room or the representative of a
14 resident, using the consent form prescribed for this purpose by the
15 Department, if the resident resides in a room with another resident.

16 C. Consent may be given only:

- 17 1. By the resident or any other resident in the room; or
18 2. By the representative of the resident or representative of
19 any other resident in the room.

20 D. Another resident in the room may:

- 21 1. When the proposed electronic monitoring device is a video
22 surveillance camera, condition consent on the camera being pointed
23 away from the consenting resident; and
24

1 2. Condition consent on the use of an audio electronic
2 monitoring device being limited or prohibited.

3 E. Except as provided for in Section ~~1-1953.7~~ 1-1956.7 of this
4 title, authorized electronic monitoring may begin only after the
5 required consent forms specified in Section ~~1-1953.1~~ 1-1956.1 et
6 seq. of this title have been completed and returned to the nursing
7 facility, assisted living center, or continuum of care facility and
8 placed on file with the administrator of such facility or center.

9 F. If authorized electronic monitoring is being conducted in
10 the room of a resident, another resident may not be moved into the
11 room unless the resident or representative of the resident has
12 consented to the use of existing electronic monitoring, in
13 accordance with Section ~~1-1953.1~~ 1-1956.1 et seq. of this title.

14 G. The Department may include other information that it
15 considers to be appropriate on any form it is required to prescribe
16 under the provisions of Section ~~1-1953.1~~ 1-1956.1 et seq. of this
17 title.

18 H. The Department shall prescribe the forms required by Section
19 ~~1-1953.1~~ 1-1956.1 et seq. of this title no later than November 1,
20 2013, and shall make such forms available on its website.

21 SECTION 6. This act shall become effective November 1, 2025.

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23 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
24 OVERSIGHT, dated 02/27/2025 - DO PASS, As Amended.