

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1832

By: Hefner and Lawson

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8 POLICY COMMITTEE RECOMMENDATION

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

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

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

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

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

23 2. "Authorized electronic monitoring" means the placement of
24 electronic monitoring devices only in the common areas ~~or~~ for
intermediate care facilities and both the common areas or room of a

1 resident of a nursing facility, assisted living center or continuum
2 of care facility and the tapes or recordings from such devices
3 pursuant to the provisions of Section ~~1-1953.1~~ 1-1956.1 et seq. of
4 this title;

5 3. "Authorized electronic monitoring devices" means:

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

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

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

18 5. "Intermediate care facility" means an institution that is
19 primarily for the diagnosis, treatment, or rehabilitation of the
20 intellectually disabled or persons with related conditions, and
21 provides in a protected residential setting, ongoing evaluation,
22 planning, twenty-four-hour supervision, coordination, and
23 integration of health or rehabilitative services to help each
24 individual function at his or her greatest ability;

1 ~~5.~~ 6. "Nursing facility" means the term as defined in Section
2 1-1902 of Title 63 of the Oklahoma Statutes;

3 ~~6.~~ 7. "Representative of a resident" means a court-appointed
4 guardian or, if there is no court-appointed guardian, the parent of
5 a minor, a relative or other person, designated in writing by the
6 resident; provided, that any owner, operator, administrator or
7 employee of a facility subject to the provisions of the Nursing Home
8 Care Act, the Continuum of Care and Assisted Living Act, the
9 Residential Care Act or the Group Homes for the Developmentally
10 Disabled or Physically Handicapped Persons Act shall not be
11 appointed guardian or limited guardian of a resident of the nursing
12 facility, assisted living center, intermediate care facility, or
13 continuum of care facility unless the owner, operator, administrator
14 or employee is the spouse of the resident or a relative of the
15 resident within the second degree of consanguinity and is otherwise
16 eligible for appointment;

17 ~~7.~~ 8. "Resident" means a person residing in a nursing facility,
18 assisted living center, intermediate care facility, or continuum of
19 care facility; and

20 ~~8.~~ 9. "Unauthorized electronic monitoring" means electronic,
21 mechanical, or other devices that do not meet the provisions of
22 Section ~~1-1953.1~~ 1-1956.1 et seq. of this title and that are
23 specifically used for the nonconsensual interception of wire or
24 electronic communications.

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

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

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

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

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

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

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

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

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

19 Section 1-1956.5. A. A resident or the representative of a
20 resident may conduct authorized electronic monitoring of the
21 resident's room through the use of authorized electronic monitoring
22 devices placed in the room pursuant to the provisions of Section ~~1-~~
23 ~~1953.1~~ 1-1956.1 et seq. of this title at the expense of such person

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1 or representative of the resident and with the written consent of
2 any other resident living in the room.

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

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

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

1 move to another room if the resident or resident's representative
2 requests such a room change within a reasonable amount of time.

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

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

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

15 C. Consent may be given only:

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

19 D. Another resident in the room may:

- 20 1. When the proposed electronic monitoring device is a video
21 surveillance camera, condition consent on the camera being pointed
22 away from the consenting resident; and
23 2. Condition consent on the use of an audio electronic
24 monitoring device being limited or prohibited.

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

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

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

16 H. The Department shall prescribe the forms required by Section
17 ~~1-1953.1~~ 1-1956.1 et seq. of this title no later than November 1,
18 2013, and shall make such forms available on its website.

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

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