

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1832

By: Hefner and Lawson

4
5
6 AS INTRODUCED

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

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

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

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

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

21 2. "Authorized electronic monitoring" means the placement of
22 electronic monitoring devices in the common areas or room of a
23 resident of a nursing facility, assisted living center or continuum
24 of care facility and the tapes or recordings from such devices

1 pursuant to the provisions of Section ~~1-1953.1~~ 1-1956.1 et seq. of
2 this title;

3 3. "Authorized electronic monitoring devices" means:

- 4 a. video surveillance cameras installed in the common
5 areas or resident's room under the provisions of
6 Section ~~1-1953.1~~ 1-1956.1 et seq. of this title, or
- 7 b. audio devices installed in the room of a resident
8 under the provisions of Section ~~1-1953.1~~ 1-1956.1 et
9 seq. of this title that are designed to acquire
10 communications or other sounds occurring in the room;

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

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

20 ~~5.~~ 6. "Nursing facility" means the term as defined in Section
21 1-1902 of Title 63 of the Oklahoma Statutes;

22 ~~6.~~ 7. "Representative of a resident" means a court-appointed
23 guardian or, if there is no court-appointed guardian, the parent of
24 a minor, a relative or other person, designated in writing by the

1 resident; provided, that any owner, operator, administrator or
2 employee of a facility subject to the provisions of the Nursing Home
3 Care Act, the Continuum of Care and Assisted Living Act, the
4 Residential Care Act or the Group Homes for the Developmentally
5 Disabled or Physically Handicapped Persons Act shall not be
6 appointed guardian or limited guardian of a resident of the nursing
7 facility, assisted living center, intermediate care facility, or
8 continuum of care facility unless the owner, operator, administrator
9 or employee is the spouse of the resident or a relative of the
10 resident within the second degree of consanguinity and is otherwise
11 eligible for appointment;

12 ~~7.~~ 8. "Resident" means a person residing in a nursing facility,
13 assisted living center, intermediate care facility, or continuum of
14 care facility; and

15 ~~8.~~ 9. "Unauthorized electronic monitoring" means electronic,
16 mechanical, or other devices that do not meet the provisions of
17 Section ~~1-1953.1~~ 1-1956.1 et seq. of this title and that are
18 specifically used for the nonconsensual interception of wire or
19 electronic communications.

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

22 Section 1-1956.2. A. A nursing facility, assisted living
23 center, intermediate care facility, or continuum of care facility
24 shall provide written notice to each resident, or to the

1 representative of a resident, that authorized electronic monitoring
2 of a resident's room conducted under the provisions of Section ~~1-~~
3 ~~1953.1~~ 1-1956.1 et seq. of this title is not compulsory and shall
4 only be conducted with the written consent of the resident or the
5 representative of the resident.

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

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

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

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

22 B. Any person or entity that intentionally hampers, obstructs,
23 tampers with, or destroys a recording or an electronic monitoring
24 device installed in a nursing facility, assisted living center,

1 intermediate care facility, or continuum of care facility shall be
2 subject to the penalties prescribed in Section 1993 of Title 21 of
3 the Oklahoma Statutes.

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

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

14 Section 1-1956.5. A. A resident or the representative of a
15 resident may conduct authorized electronic monitoring of the
16 resident's room through the use of authorized electronic monitoring
17 devices placed in the room pursuant to the provisions of Section ~~1-~~
18 ~~1953.1~~ 1-1956.1 et seq. of this title at the expense of such person
19 or representative of the resident and with the written consent of
20 any other resident living in the room.

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

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

11 D. If a resident residing in a shared room, or the
12 representative of a resident residing in a shared room, desires to
13 utilize an authorized electronic monitoring device and another
14 resident living in such shared room refuses to consent to the use of
15 an authorized electronic monitoring device, the nursing facility,
16 assisted living center, intermediate care facility, or continuum of
17 care facility shall accommodate the resident or the representative
18 of the resident desiring to utilize an authorized electronic
19 monitoring device to move to another room if the resident or
20 resident's representative requests such a room change within a
21 reasonable amount of time.

22 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-1956.6, is
23 amended to read as follows:
24

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

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

11 C. Consent may be given only:

12 1. By the resident or any other resident in the room; or

13 2. By the representative of the resident or representative of
14 any other resident in the room.

15 D. Another resident in the room may:

16 1. When the proposed electronic monitoring device is a video
17 surveillance camera, condition consent on the camera being pointed
18 away from the consenting resident; and

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

21 E. Except as provided for in Section ~~1-1953.7~~ 1-1956.7 of this
22 title, authorized electronic monitoring may begin only after the
23 required consent forms specified in Section ~~1-1953.1~~ 1-1956.1 et
24 seq. of this title have been completed and returned to the nursing

1 facility, assisted living center, intermediate care facility, or
2 continuum of care facility and placed on file with the administrator
3 of such facility or center.

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

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

13 H. The Department shall prescribe the forms required by Section
14 ~~1-1953.1~~ 1-1956.1 et seq. of this title no later than November 1,
15 2013, and shall make such forms available on its website.

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

17
18 60-1-10174 TJ 01/08/25
19
20
21
22
23
24