

Bill No.: HB0109 **Effective:** **Multiple Dates**
LSO No.: **20LSO-0406**
Enrolled Act No.: HEA No. 0089
Chapter No.: 126
Prime Sponsor: Kirkbride
Catch Title: **Electronic monitoring in long-term care facilities.**
Subject: Authorizing and regulating electronic monitoring in long-term care facilities.

Summary/Major Elements:

- The act authorizes the installation and regulation of security surveillance devices by long-term care facilities and electronic monitoring devices by residents of those facilities. The act allows residents to seek to install and use fixed electronic monitoring devices in the resident's room, subject to meeting the requirements of the act and receiving consent from the resident's roommate (if any).
- The act requires each long-term care facility resident to sign a form that acknowledges the right to use electronic monitoring devices in one's room, the possibility that other residents and the facility may be using electronic devices and the security and privacy risks associated with using electronic monitoring devices, among other things.
- A resident who seeks to use electronic monitoring must complete an acknowledgment and waive any claim of liability against the facility associated with the release or use of recordings from devices.
- The act provides that electronic monitoring devices cannot be installed in a room without a resident gaining permission from all other residents in the room. A resident can seek to switch rooms or roommates in order to be able to use electronic monitoring.
- The act requires a resident to gain approval from the facility before installing and using monitoring devices, and a facility cannot unnecessarily impair or impede a resident's use of the devices. The resident is responsible for all associated costs of monitoring.
- The act provides for the admissibility of electronic recordings in judicial and administrative actions and limits the criminal and civil liability.
- The act requires the Department of Health to promulgate relevant rules.

Comments:

- The act may be cited as the Long-term Care Electronic Monitoring Act.
- The act has a split effective date. The rulemaking authority is effective immediately; the remaining provisions are effective on October 1, 2020.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.