

## Session 121 - (2015-2016)

### S 0257 General Bill, By Thurmond

#### Summary: Electronic monitoring

A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 83, TO AUTHORIZE ELECTRONIC MONITORING OF A RESIDENT'S ROOM IN A LONG-TERM CARE FACILITY, TO PROVIDE THAT A LONG-TERM CARE FACILITY SHALL PROVIDE NOTICE THAT AUTHORIZED ELECTRONIC MONITORING IS PERMITTED AND MAY BE CONDUCTED ONLY WITH CONSENT, TO PROVIDE THAT A LONG-TERM CARE FACILITY SHALL NOT REFUSE TO ADMIT OR REMOVE AN INDIVIDUAL AS A RESIDENT FOR A REASON RELATED TO THE USE OF AUTHORIZED ELECTRONIC MONITORING, TO PROVIDE WHO MAY REQUEST ELECTRONIC MONITORING, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL DEVELOP CERTAIN GUIDELINES TO ASSIST IN DECIDING WHETHER A RESIDENT LACKS THE REQUIRED CAPACITY TO CONSENT AND GUIDELINES TO DETERMINE WHETHER A PERSON MAY SERVE AS A RESIDENT'S LEGAL REPRESENTATIVE FOR PURPOSES OF THIS CHAPTER, TO PROVIDE THAT REQUESTS FOR AUTHORIZED ELECTRONIC MONITORING MUST BE MADE ON A FORM DEVELOPED BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO OUTLINE THE REQUIREMENTS TO BE INCLUDED IN THE FORM, TO PROVIDE WHEN AND WHERE AUTHORIZED ELECTRONIC MONITORING MAY BE CONDUCTED, TO PROVIDE REQUIREMENTS FOR AND OF A LONG-TERM CARE FACILITY RELATED TO AUTHORIZED ELECTRONIC MONITORING, TO PROVIDE FOR SANCTIONS AND PENALTIES AGAINST ANY PERSON OR ENTITY WHO REFUSES TO ADMIT AN INDIVIDUAL, ALLOWS REMOVAL OF A RESIDENT, OR DOES NOT PERMIT A RESIDENT TO CONDUCT AUTHORIZED ELECTRONIC MONITORING, TO PROVIDE PENALTIES AGAINST ANY PERSON OR ENTITY WHO INTENTIONALLY HAMPERS, OBSTRUCTS, TAMPERS WITH, OR DESTROYS AN ELECTRONIC MONITORING DEVICE INSTALLED IN A LONG-TERM CARE FACILITY, TO PROVIDE THAT A TAPE OR RECORDING CREATED THROUGH THE USE OF AUTHORIZED ELECTRONIC MONITORING MAY BE ADMITTED INTO EVIDENCE IN A CIVIL OR CRIMINAL COURT ACTION OR ADMINISTRATIVE PROCEEDING, AND TO PROVIDE FOR NECESSARY FORMS AND DISCLOSURES.

**12/10/14 Senate Prefiled**

**12/10/14 Senate Referred to Committee on Medical Affairs**

**01/13/15 Senate Introduced and read first time (Senate Journal-page 156)**

**01/13/15 Senate Referred to Committee on Medical Affairs (Senate Journal-page 156)**

**02/10/15 Scrivener's error corrected**