

LONG TERM CARE & SENIOR LIVING BLOG

# Proposed Legislation Regarding Long-Term Care Facilities in Missouri

AUTHOR: JARED BYRNE

Pilot Program To Transfer Facility Inspections From The Department Of Health And Senior Services to Local Health Departments (HB – 1555)

Missouri Representative James Neeley is sponsoring a bill that would create a pilot program to transfer the authority to inspect nursing homes from the Department of Health and Senior Services to local health departments. Participation in the pilot program would be at the option and expense of any local health department that elects to participate. As currently drafted, this proposed legislation would have an automatic sunset date six years after its initial implementation.

If adopted, this legislation would represent a significant shift in facility inspections within participating counties from the state level to the local level. This could also result in variations in the inspection process from county to county if several counties chose to participate in the program. This proposed bill has a long way to go before becoming law, and we will continue to track its progression.

**Authorized Electronic Monitoring in Long-Term Care Facilities (HB 1916)**

Missouri Representative Andrew McDaniel has proposed legislation that would be known and cited as the “Authorized Electronic Monitoring in Long-Term Care Facilities Act,” which would give a resident the right to authorize video or audio monitoring in his/her room.

The current text of the proposed Missouri statute would permit the resident, the resident’s attorney-in-fact or durable power of attorney, the resident’s “representative,” the resident’s spouse or parent, or the resident’s adult child or sibling who has written consent of all other adult children or siblings of the resident to consent in writing to electronic monitoring. The current text would also request the resident to obtain written consent of any other resident residing in the room prior to the authorized electronic monitoring. The facility would be required to make a reasonable attempt to accommodate any resident who requests electronic monitoring, but is unable to obtain the roommate’s consent.

Any resident who chooses to install an electronic monitoring device would do so at his/her own expense, including paying purchase, installation, maintenance, and removal costs. Also, the placement of any electronic monitoring device would be limited to a conspicuously visible location in the room, and a sign would be required at the facility's entrance and the resident's room stating that the rooms of some residents may be monitored electronically. Further, no facility would be permitted to access any video or audio recording without written consent of the resident or the person who consented on behalf of the resident.

This proposed act, if adopted into law, would likely have a profound impact on nursing home litigation throughout the state. Proponents of video surveillance often claim that it would reduce abuse and neglect in nursing homes and increase the quality of care through improved staffing. Those in opposition argue that it would make recruiting and maintaining staff more difficult because some care providers might object to working under constant monitoring. We will continue to monitor the progress and potential changes to this proposed legislation.