

## **SB 134 STAFF MEASURE SUMMARY**

### **Senate Committee On Human Services**

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**Prepared By:** Matthew Perreault, LPRO Analyst

**Meeting Dates:** 3/4

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#### **WHAT THE MEASURE DOES:**

The measure establishes the right of a resident of a long term care facility, residential care facility, and adult foster home to use an electronic monitoring device in their living unit.

#### Detailed Summary:

- Establishes the right of a resident of a long term care facility, residential care facility, and adult foster home to use an electronic monitoring device in the resident's room or private living unit.
- Prohibits a facility from using an electronic monitoring device in a resident's room without the consent of a resident or their representative.
- Requires a facility to inform residents of the right to use an electronic monitoring device.
- Specifies requirements for residents to provide written consent, obtain consent from roommates, and the contents of the written consent form.
- Requires a facility to make efforts to accommodate a resident's desire to use an electronic monitoring device.
- Allows a resident to begin using an electronic monitoring device for up to 14 days without submitting a consent form under certain circumstances.
- Clarifies that a resident is responsible for the cost of purchasing, installing, maintaining, and removing an electronic monitoring device.
- Requires a facility to post signage informing visitors about the presence of electronic monitoring devices.
- Prohibits a facility from taking actions to prevent a resident from using an electronic monitoring device or retaliate against a resident for attempting to do so.
- Prescribes the availability of a recording from an electronic monitoring device to be accessed, disseminated, and admitted as evidence in a legal proceeding or disciplinary action.
- Authorizes the Department of Human Services to impose civil penalties on a long term care facility or residential care facility that is found to violate a resident's right to use an electronic monitoring device.
- Becomes operative on January 1, 2026 but authorizes a long term care facility, residential care facility, or adult foster home to take necessary actions before that date.
- Takes effect on the 91st day following adjournment sine die.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

Long term care facilities, residential care facilities, and adult foster homes are types of supportive living environments for individuals who need assistance with activities of daily living, nursing care, training, or treatment for various conditions. These can include skilled nursing facilities, assisted living facilities for older adults, residential care facilities for individuals with physical disabilities, and adult foster homes for individuals with mental illness or physical, intellectual, or developmental disabilities. Depending on the type of facility, the [Department of Human Services](#) or [the Oregon Health Authority](#) is responsible for licensing, certifying, or

endorsing the facility provider, conducting regular inspections, and investigating reports of abuse to ensure safe living and proper care for the residents.

Several states, including [Illinois](#), [Ohio](#), [Minnesota](#), [Missouri](#), [New Mexico](#), [North Dakota](#), [Oklahoma](#), [Texas](#), and [Washington](#) have enacted laws that allow the use of recording devices in long-term and residential care facilities that allow electronic monitoring devices in their rooms and living spaces at these facilities. These laws are intended to allow interested caregivers and family members to monitor the status of residents remotely and pursue complaint actions against the facilities when necessary. Many of these laws require that residents give their consent before electronic monitoring is used in their living areas.