

Types of Monitoring Devices

A resident may choose a device that meets their needs

- Video and/or audio recording
- Streaming (broadcasting) capabilities

Things to consider when choosing a device

- Financial cost
- Reason for using a device
- Facility's ability to support installation of private internet
- Resident's ability to manage the device
- Limitations placed by roommate
- Frequency of visitors

Limitations

- The device must be in a fixed position
- The device may not take still photographs
- The device must be placed in a visible location in the room.

State of Illinois, Department on Aging, One Natural Resources Way, # 100, Springfield, Illinois 62702-1271
Senior HelpLine: 1-800-252-8966, 1-888-206-1327 (TTY) • www.illinois.gov/aging

Download this brochure at www.illinois.gov/aging in the "News and Publications" section.

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).

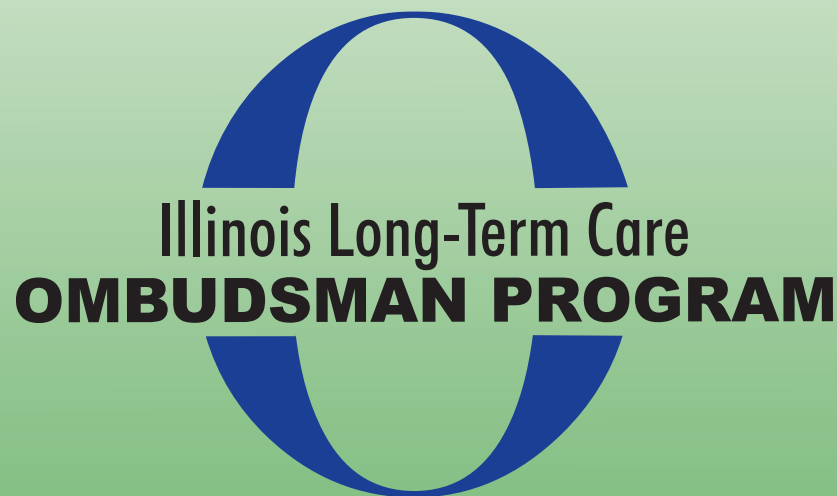
Printed by Authority of the State of Illinois

IOCI 18-0247 (12/17 5,000)



State of Illinois
Illinois Department on Aging

Electronic Monitoring in Long-Term Care Facilities



Ombudsman... Resident Advocate

Call 1-800-252-8966 to learn more

Protecting, Advocating and Promoting the Rights
of Residents in Long-term Care Facilities



Authorized Electronic Monitoring in Long-Term Care Facilities Act

Public Act 99-043

The Authorized Electronic Monitoring in Long-Term Care Facilities Act provides a way for residents of long-term care facilities and their families to help ensure that residents receive the best care possible. The Illinois Attorney General's office worked closely with resident advocates and long-term care facility associations to create a framework that allows residents and their families to use cameras while protecting the privacy rights of others and ensuring there is no cost to facilities.

Residents:

- Applies to residents licensed under the Nursing Home Care Act and intermediate care facilities for the developmentally disabled (with 30 beds or more) licensed under the ID/DD Community Care Act.

Under the Law:

- A resident has a right to purchase and use an electronic monitoring device that records or broadcasts audio and video after providing notice to the facility using the Electronic Monitoring Notification and Consent Form available at <http://www.dph.illinois.gov/forms-publications>.
- A resident or resident's guardian must consent to the use of a camera in his/her room.
- A representative may be able to consent on behalf of a resident who does not have a guardian and who lacks the ability to fully understand the nature and consequences of electronic monitoring.

- Prior to using a recording device, a resident must obtain consent from all other residents residing in the room and notify the facility of his/her intent to use a recording device, the type of device to be used and any limitations on its use.
- The recording device must be out in the open and in a fixed position. The facility must post a sign on the resident's door stating that electronic monitoring is being conducted in the room.
- The resident and the resident's roommate have the right to limit when a camera may be used, and they may withdraw their consent at any time.
- If a recording is made, it may only be shared for the purpose of addressing concerns relating to the health, safety or welfare of a resident or residents or in civil, criminal and administrative proceedings.
- A recording may be admitted into evidence in a civil, criminal or administrative proceeding if the contents of the recording have not been edited or artificially enhanced and the video recording includes the date and time the events occurred.
- A facility is not civilly or criminally liable for a violation of a resident's right to privacy arising from electronic monitoring conducted pursuant to this Act.
- A facility cannot retaliate or discriminate against any resident for consenting to electronic monitoring.

Protecting, Advocating and Promoting the Rights of Residents in Long-term Care Facilities