



# ELECTRONIC MONITORING IN LONG-TERM CARE FACILITIES

## Authorized Electronic Monitoring In Long-term Care Facilities

210 ILCS 32/1 et seq. (Public act 99-430)

## What Does the Act Say?

- ▶ Allows for electronic monitoring of a resident's room
- ▶ Sets rights and responsibilities of residents & facilities in regards to electronic monitoring
- ▶ Monitoring can be
  - ▶ Audio and/or Video
  - ▶ Recorded
- ▶ The device can't take still photographs

## Facilities Covered in the Act:

- ▶ ID/DD Community Care Act that has 30 or more beds;
- ▶ Facilities licensed under the MC/DD Act; and
- ▶ Long-Term Care Facility licensed under the Nursing Home Care Act
- ▶ Any facility that provides housing to individuals with dementia

## Facilities Covered under another Act:

- ▶ 210 ILCS 165 – Authorized Electronic Monitoring in Community-Integrated Living Arrangements and Developmental Disability Facilities Act
- ▶ Similar to language in Long-Term Care Facilities
- ▶ Includes:
  - ▶ CILAs
  - ▶ Developmental Disability Facilities
    - ▶ "Developmental disability facility" means a facility or section of a facility that is licensed by, operated by, or is under contract with the State or a political subdivision of the State and that admits persons with developmental disabilities for residential services.

## Facilities Not Covered in either Act:

- ▶ Supportive Living Facilities
- ▶ Assisted Living facilities
- ▶ Specialized Mental Health Rehabilitation

## 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>.*

## Under the Law there must be consent

- ▶ 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\*\*

*\*\* The Physician must determine that the resident can't understand the implications*

## If the individual has a roommate...

- ▶ They must get roommate's written consent; or consent of person authorized to consent on behalf of roommate
- ▶ At any time, the individual or the roommate have the right to limit when a camera may be used

## If the roommate doesn't give consent, the facility must try to accommodate the monitoring by...

- ▶ Moving either resident to another shared room
- ▶ Moving the requestor to a private room (must pay private room rate)

*NOTE: The request must be reevaluated every 2 weeks until fulfilled*

## Types of Monitoring Devices

- ▶ Video and/or audio recording
- ▶ Streaming devices

When purchasing be aware of the facilities ability to support the installation of private internet and the resident' ability to manage the device.

## Other things to know:

- ▶ The recording device must be out in the open and in a fixed position.
- ▶ The facility must post signs at all building entrances warning that some residents' rooms may have electronic monitoring.
- ▶ The facility must post a sign on the resident's door stating the electronic monitoring is being conducted in the room.

## What Facilities Can't Do:

- ▶ Refuse to allow an electronic monitoring device to be placed in a resident's room
- ▶ It's illegal for anyone to interfere with monitoring without resident consent
- ▶ It's illegal for anyone to destroy recording without resident consent
- ▶ A Facility cannot access recording without resident consent
- ▶ *A Facility cannot retaliate or discriminate against any resident for consenting to electronic monitoring!*

Brochure Link To Help  
Navigate Setting Up Electronic  
Monitoring In A Long Term  
Care Facility