



House Bill No. 6457

Public Act No. 21-160

AN ACT CONCERNING ACCESS TO RECORDINGS AND IMAGES FROM TECHNOLOGY USED BY NURSING HOME RESIDENTS FOR VIRTUAL VISITATION AND VIRTUAL MONITORING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2021*) (a) For purposes of this section:

(1) "Nursing home facility" has the same meaning as provided in section 19a-490 of the general statutes;

(2) "Resident" means a resident of a nursing home facility;

(3) "Resident representative" means (A) a court-appointed conservator of the person or guardian, (B) a health care representative appointed pursuant to section 19a-575a of the general statutes, or (C) if there is no court-appointed conservator of the person or guardian, or health care representative, a person who is (i) designated in a written document signed by the resident and included in the resident's records on file with the facility, or (ii) if there is no such written document, a person who is a legally liable relative or other responsible party, provided such person is not an employer or contractor of the facility;

(4) "Technology" means a device capable of remote audio or video

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communications, or both, that may include recording capabilities;

(5) "Virtual monitoring" means remote monitoring of a resident by a third party via technology owned and operated by the resident in the resident's room or living quarters; and

(6) "Virtual visitation" means remote visitation between a resident and family members or other persons with technology.

(b) An employee of a nursing home facility or an employee of a contractor providing services at a nursing home facility who is the subject of proposed disciplinary action by the nursing home facility based upon evidence obtained from technology used by a resident for virtual visitation or virtual monitoring shall be given access to that evidence by the nursing home facility for the purpose of defending against such action, provided the nursing home facility and the employee (1) treat any recordings or images obtained from the technology as confidential, and (2) not further disseminate any recordings or images obtained from the technology to any other person except as required under law. Any copy of a recording or image used in such disciplinary action must be returned to the resident who provided the copy when it is no longer needed for purposes of defending against a proposed action.

(c) The Office of the Long-Term Care Ombudsman, may, without consulting a nursing home facility, ask a resident about the existence of recordings or images taken from technology used for virtual visitation or virtual monitoring that could corroborate an allegation of abuse or neglect.

(d) Except as otherwise required under law, a resident or resident representative may voluntarily release recordings or images taken from technology used for virtual monitoring or virtual visitation, provided such release does not infringe on the privacy rights of any other person

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under state or federal law. A nursing home facility, or any agent or employee of a nursing home facility, may not solicit or request any recordings or images from a resident or a resident representative taken from technology used for virtual visitation or virtual monitoring for any reason, except for the purpose of investigating an allegation of abuse or neglect based upon a recording or image taken from such technology. If the Department of Public Health initiates a complaint investigation based upon an image or recording from virtual visitation technology or virtual monitoring technology, the Department of Public Health may provide a copy of such image or recording to the nursing home facility that is the subject of the investigation.

Approved July 12, 2021