



PA 21-160—HB 6457

Aging Committee

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

SUMMARY: This act requires a nursing home to give its employee, or the employee of a contractor providing services at the home, access to a resident’s virtual monitoring or virtual visitation technology under the following conditions:

1. the employee is the subject of a proposed disciplinary action by the nursing home based on evidence obtained from the technology;
2. the nursing home grants the access for the employee to defend him- or herself against the disciplinary action;
3. the employee and nursing home treat any recordings or images obtained from the resident’s technology as confidential and do not further disseminate them except as required by law; and
4. any copy of a recording or image used in the proposed disciplinary action is returned to the resident who provided it when the employee no longer needs it to defend against the action.

The act also allows the long-term care ombudsman, without consulting the nursing home, to ask a resident about the existence of recordings or images taken from virtual monitoring or virtual visitation technology that could corroborate an abuse or neglect allegation.

Additionally, the act allows a resident, or resident representative, to voluntarily release recordings or images taken from virtual monitoring or virtual visitation technology if doing so does not infringe on another person’s privacy rights under state or federal law. It prohibits a nursing home, or its agent or employee, from soliciting or requesting such recordings or images from a resident or resident representative except to investigate an abuse or neglect allegation based upon them.

If the Department of Public Health initiates a complaint investigation based on a recording or image, the act allows the department to provide a copy of it to the nursing home that is the subject of the investigation.

Under the act, “technology” means a device capable of remote audio or video communications that may include recording capabilities. A “resident representative” is a person who is the resident’s (1) legally appointed health care representative, guardian, or conservator; (2) designee, as indicated in a signed written document in the resident’s facility records; or (3) legally liable relative or other responsible party who is not a facility employee or contractor.

EFFECTIVE DATE: October 1, 2021