

Aging Committee JOINT FAVORABLE REPORT

Bill No.: HB-5208

Title: AN ACT DETERRING ABUSE IN NURSING HOMES.

Vote Date: 3/3/2020

Vote Action: Joint Favorable Substitute

PH Date: 2/27/2020

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

Assisted living service residents and their loved ones have concerns regarding safety, neglect and abuse. It is difficult to assess how an injury may have been sustained and electronic monitoring would assist in follow up with the nursing home regarding care of the resident.

This bill allows for family members or guardians at their expense to install electronic monitoring devices. If a room is shared with another resident, written consent for the monitoring device is required and notice posted outside the room.

The Joint Favorable Substitute language expands the scope to install monitoring devices at state-assisted congregate housing for the elderly with assisted living services. The language also adds that electronic monitoring includes two-way internet enabled devices, seven days advance notice residents must give facilities about cameras with no notice required in certain situations where abuse is suspected, and resident has already filed a report. The JFS language clarifies that residents are responsible for disabling or enabling the device and are responsible for placing notice on doors of their rooms that electronic monitoring is taking place.

RESPONSE FROM ADMINISTRATION/AGENCY:

Department of Public Health, Renee D. Coleman, Commissioner: Written testimony was submitted that each resident has the right to privacy and thus informed consent when electronic monitoring will be critical for both the resident and, if applicable, a roommate.

NATURE AND SOURCES OF SUPPORT:

Representative Kathleen McCarty, 38th Assembly District: Wrote in support of this bill stating this would offer additional layer of protection to nonverbal patients from abuse and neglect with the installation of video cameras in their rooms. Rep. McCarty stated that her mother endured severe physical abuse at a nursing home and since her mother was nonverbal, she was unable to convey what happened to her when Rep. McCarty discovered the injuries. Rep. McCarty stated in her testimony what a camera in her room would have offered greater security to nonverbal nursing home residents.

AARP Connecticut: They testified in support of this bill stating that not only would it allow for additional security, but it would provide opportunity for virtual visitation with loved ones. They stated that 13 other states have passed laws permitting recording devices in nursing home rooms, the first being Texas in 2001. AARP Connecticut suggested changes to the bill:

- 1.) Clarify "electronic monitoring device" could include internet enabled devices to allow for two-way communication.
- 2.) Remove requirement that consent form on file 14 days prior to device installation
- 3.) Require nursing homes to provide information on installation of electronic monitoring devices and remind residents of rights to install a camera on a regular basis.
- 4.) Clarify "reasonably accommodate" a resident whose roommate does not consent to recording technology in a shared room.

Kathleen Flaherty, Connecticut Legal Rights Project: Testified that ensuring safety of nursing home residents should be paramount and in the act of doing so we also do not violate the rights of other residents. Ms. Flaherty noted that the bill requires written permission of a resident's roommate and testified that the bill may want to address monitoring requirements should there be a change in roommates.

NATURE AND SOURCES OF OPPOSITION:

Matthew Barrett, President of Connecticut Association of Health Care Facilities and the Connecticut Center for Assisted Living: He offered testimony urging an evaluation of full-range protections regarding issues that can arise when capturing private material on video. Mr. Barrett addressed written consent, advance notice to nursing facilities, resident's responsibility for installation, maintenance and costs. Details of evaluation of issues are listed in written testimony.

Mag Morelli, President of LeadingAge Connecticut: She testified in opposition to the bill stating that the concept of implementing video monitoring of nursing home residents is a complicated issue and consideration must be given to the privacy rights and interests of all

involved. While the bill requires written and signed consent of the resident and resident's roommates, LeadingAge does not agree with the proposal to have the long-term care ombudsman develop a standard consent form. It is suggested that a standardized form should be developed collaboratively involving nursing home providers and the Dept. of Public Health. Ms. Morelli stated strong opposition to subsection (e) which would permit monitoring without submitting a consent form if there were fears of retaliation for "recording or reporting alleged maltreatment". "Maltreatment" is a term not defined and these measures would result in covert monitoring without the nursing home's knowledge. LeadingAge is not aware of any state that has enacted these types of exceptions and understands that some states expressly prohibit covert monitoring.

Ms. Morelli states that all persons whose voice or video may be captured by the device be made aware of the recording activity including roommates, nursing home staff, visitors, treating health care professionals and other residents.

In addition, Ms. Morelli stated that while the bill does not require residents to pay for installation of electronic devices, there could be costs that the nursing homes may incur including disruption to facility internet services and security.

Reported by: Gaia McDermott, Clerk

