
OLR Bill Analysis

HB 6457 (as amended by House "A")*

AN ACT CONCERNING NURSING HOME SERVICES.

SUMMARY

This bill 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 his- 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 bill 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 bill 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 bill requires the department to provide a copy of it to the nursing home that is the subject of the investigation.

Under the bill, "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.

*House Amendment "A" replaces the original bill (File 162) and removes the provision requiring the social services commissioner to study the state's nursing homes and adds the provisions on virtual monitoring and virtual visitation technology.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Aging Committee

Joint Favorable

Yea 16 Nay 0 (03/11/2021)