



General Assembly

January Session, 2021

**Raised Bill No. 6552**

LCO No. 4291



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING THE RIGHTS OF RESIDENTS IN LONG-TERM CARE FACILITIES TO USE THE TECHNOLOGY OF THEIR CHOICE FOR VIRTUAL CONNECTIONS TO FAMILY, FRIENDS AND OTHER PERSONS.***

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) For purposes of this  
2 section: (1) "Long-term care facility" means a nursing home facility as  
3 defined in section 19a-490 of the general statutes or a managed  
4 residential community as defined in section 19a-693 of the general  
5 statutes; (2) "resident" means a resident of a long-term care facility; (3)  
6 "resident representative" means (A) a court-appointed conservator of  
7 the person or guardian, (B) a health care representative appointed  
8 pursuant to section 19a-575a of the general statutes, or (C) if there is no  
9 court-appointed conservator of the person or guardian, or health care  
10 representative, a person who is (i) designated in a written document  
11 signed by the resident and included in the resident's records on file with  
12 the facility, or (ii) if there is no such written document, a person who is  
13 a legally liable relative or other responsible party, provided that such  
14 person is not an employer or contractor of the facility; (4) "technology"

15 means a device capable of remote audio or video communications that  
16 may include recording capabilities; (5) "virtual monitoring" means the  
17 ability of a third party to monitor a resident via technology owned and  
18 operated by the resident in the resident's room or living quarters; and  
19 (6) "virtual visitation" means remote visitation between a resident and  
20 family members or other persons with technology.

21 (b) A resident shall have the right to use technology of the resident's  
22 choice that facilitates virtual monitoring or virtual visitation provided:  
23 (1) The purchase, activation, installation, maintenance, repair,  
24 operation, deactivation and removal of such technology is at the  
25 expense of the resident; (2) the technology and any recordings obtained  
26 therefrom are used by the resident and any person communicating with  
27 the resident or monitoring the resident in a manner that does not violate  
28 any individual's right to privacy under state or federal law and in  
29 accordance with the provisions of this section; (3) a clear and  
30 conspicuous notice is placed on the door of the resident's room or living  
31 unit indicating that technology enabling virtual monitoring may be in  
32 use; (4) in cases where the resident intends to use technology for virtual  
33 monitoring in shared living situations, the resident or resident  
34 representative provides advance notice to a roommate or the  
35 roommate's representative specifying the type of technology, the  
36 proposed location of the device, its intended use, intended hours of  
37 operation and whether the device is capable of recording audio or video  
38 or being activated remotely; (5) the resident or resident representative  
39 obtains the written consent of the roommate or resident representative  
40 of the roommate for the use of the technology for virtual monitoring;  
41 and (6) the resident or resident representative files a signed, written  
42 notice with the long-term care facility and a copy of any written consent  
43 of any roommate not less than seven days before installing or using such  
44 technology for virtual monitoring that (A) identifies the type of  
45 technology, its intended use, intended hours of use and location of such  
46 technology in the room or living quarters, (B) contains verification that  
47 the technology complies with applicable state and federal life safety and  
48 fire codes if such codes include standards for such technology, (C) states

49 whether the technology is capable of recording audio or video or being  
50 activated or controlled remotely, (D) acknowledges that the resident is  
51 responsible for the purchase, activation, installation, maintenance,  
52 repair, operation, deactivation and removal of such technology, and (E)  
53 includes a waiver of all civil, criminal and administrative liability for the  
54 long-term care facility in accordance with subsection (d) of this section.  
55 The provisions of this subsection shall not apply to cellular mobile  
56 telephones used primarily for telephonic communication or tablets not  
57 used for virtual monitoring.

58 (c) (1) A long-term care facility shall provide Internet access,  
59 electricity and a power source for technology used for virtual  
60 monitoring or virtual visitation at no cost to a resident, provided (A) the  
61 cost associated with any necessary upgrades to Internet infrastructure  
62 to provide adequate Internet access for residents to use such technology  
63 shall be considered a capital improvement eligible for a higher rate of  
64 reimbursement for a nursing home facility under the provisions of  
65 subsection (f) of section 17b-340 of the general statutes, and (B) a long-  
66 term care facility may assess a pro-rated portion of the cost of any  
67 necessary Internet infrastructure upgrades for resident use of such  
68 technology to any resident privately paying for a residence in such  
69 facility and using such technology. A resident or resident representative  
70 may also procure his or her own Internet connectivity. A private paying  
71 resident who procures his or her own Internet connectivity shall not be  
72 charged for the cost of any necessary Internet infrastructure upgrades  
73 by the long-term care facility.

74 (2) A long-term care facility may establish policies and procedures on  
75 the use of technology for virtual monitoring addressing (A) except for  
76 cellular mobile telephones used primarily for telephonic  
77 communication or tablets not used for virtual monitoring, placement of  
78 any technology device in a conspicuously visible, stationary location in  
79 the resident's room or living quarters, (B) restrictions on use of the  
80 technology to record video or audio outside the resident's room or living  
81 quarters or in any shared common space, (C) compliance with  
82 applicable federal, state and local life safety and fire protection

83 requirements, (D) limitations on use of technology when such use will  
84 interfere with resident care or privacy unless the resident, a roommate  
85 of the resident, or their resident representatives, consents to such use,  
86 (E) the ability to limit use of technology in the event of an emergency or  
87 disruption to the facility's Internet service, and (F) actions that the long-  
88 term care facility may take for failure to comply with applicable federal,  
89 state and local laws or facility policy in the use of technology and the  
90 process by which a resident may appeal such actions.

91 (d) A long-term care facility shall be immune from any civil, criminal  
92 or administrative liability for any (1) violation of privacy rights of any  
93 individual under state or federal law caused by a resident's use of  
94 technology; (2) damage to the resident's technology, including, but not  
95 limited to, malfunction not caused by the negligence of the long-term  
96 care facility; and (3) instance when audio or video produced by the  
97 resident's technology is inadvertently or intentionally disclosed to,  
98 intercepted or used by an unauthorized third-party.

99 (e) A long-term care facility shall place a conspicuous notice (1) at the  
100 entrance to the facility indicating that technology enabling virtual  
101 monitoring or virtual visitation may be in use in some residents' rooms  
102 or living quarters; and (2) except for cellular mobile telephones used  
103 primarily for telephonic communication or tablets not used for virtual  
104 monitoring, on the door of any resident's room or living quarters where  
105 such technology may be used. In cases where any roommate of a  
106 resident refuses to give consent for use of technology for virtual  
107 monitoring that may capture audio or video of the roommate, a long-  
108 term care facility shall work with both the resident and the roommate to  
109 seek an acceptable accommodation for use of the technology with the  
110 roommate's consent. If the roommate continues to refuse consent, the  
111 long-term care facility shall work with the resident wishing to use such  
112 technology to develop an alternative, including transfer to another room  
113 with a roommate who consents to use of the technology, provided an  
114 appropriate room is available and the resident is able to pay any  
115 difference in price if the new room is more costly than the resident's  
116 current room.

117 (f) The Office of the Long-Term Care Ombudsman may provide  
118 standard forms on its Internet web site for (1) notice by a resident to a  
119 long-term care facility of the resident's plan to install and use technology  
120 of their choice for virtual monitoring; and (2) consent forms for any  
121 roommate of a resident who wishes to use technology for virtual  
122 monitoring that may capture audio or video of the roommate. The Office  
123 of the Long-Term Care Ombudsman shall develop such standard forms  
124 in consultation with long-term care facility representatives and the  
125 Department of Public Health.

126 (g) The Commissioner of Public Health may adopt regulations in  
127 accordance with the provisions of chapter 54 of the general statutes to  
128 implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2021</i>	New section
-----------	------------------------	-------------

**Statement of Purpose:**

To allow residents of long-term care facilities to use technology of their choice.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*