

# Balancing Privacy & Protection: Surveillance Cameras in Nursing Home Residents' Rooms

You and your family members might have considered installing a surveillance camera in your room to help determine that you are receiving appropriate care and being treated with dignity and respect, or to be a deterrent to abuse. Surveillance cameras can record video only, audio only, or both video and audio. **While surveillance cameras and other devices can offer information about the type of care you are receiving and how you are being treated by nursing home staff, other residents, and visitors, they can be invasive and may violate your or your roommate's right to privacy.** They are also no substitute for personal involvement and monitoring.

## Right to Dignity, Respect, and Privacy

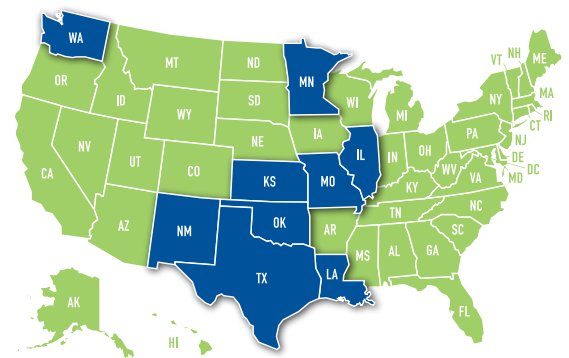
Federal regulations give nursing home residents the right to be treated with dignity and respect.<sup>1</sup> This includes while receiving care and during any interactions with nursing home staff, other residents, and visitors. In addition to showing good care being provided, surveillance cameras may record incidents of poor care, neglect, aggression or abuse.

Residents are also guaranteed the right to privacy.<sup>2</sup> This right to privacy includes the right to privacy in your resident rooms, personal care, and in any communication during visits.<sup>3</sup> A surveillance camera would be recording you and your roommate [if you have one] all the time when you are in your own room. It would be video recording you while you are receiving help getting dressed, during your visits with family members and friends, and even recording when you may want to talk to your physician to discuss confidential health issues. Some surveillance cameras may even record audio, which may mean that your conversations may no longer be private.

## State Laws & Guidelines on Surveillance Cameras in Resident Rooms

Many high-profile news articles where abuse has been captured on video cameras has led some states to propose the use of surveillance cameras in nursing homes.

As of 2020, **Illinois, Kansas, Louisiana, Minnesota, Missouri, New Mexico, Oklahoma, Texas,** and **Washington** have laws that permit the installation of cameras in residents' rooms, **if the resident and roommate have consented.** Each state law addresses issues including consent, and who can provide it; notice requirements, including who must be notified of the camera in use and placement of notices; assumption of costs associated with the cameras; penalties for obstruction or tampering with the cameras; and access to the recordings. While not having a law in place, Maryland has issued guidelines for the use of cameras in nursing home residents' rooms; and New Jersey's Office of Attorney General will loan camera equipment to families who want to monitor their loved one's care.



**If your state does not have a law or rules on this issue, or if you have questions about their use, before installing any type of recording device, you should consult an attorney to discuss your rights and options.**

<sup>1</sup>42 C.F.R. 483.10[e]

<sup>2</sup>42 C.F.R. 483.10[h]

<sup>3</sup>42 C.F.R. 483.10[h](1)

## QUESTIONS TO CONSIDER BEFORE INSTALLING A SURVEILLANCE CAMERA

Given the privacy concerns surveillance cameras present to residents and their roommates, you should consider the following questions before installing a surveillance device into your room:

1. Does your state have a law or guideline? Are there required forms that must be completed?
2. Do you want to record both audio and video or only one or the other?
3. Does your facility have policies around camera use?
4. Do you have consent from your roommate? If the resident or her roommate do not have capacity to give consent, do you have consent from their family or legal representative?
5. If you install a camera, who needs to be notified? This can include the facility administration and staff, other residents, and visitors.
6. Do you need signs notifying others that there are surveillance cameras in the facility and/or outside the resident's room?
7. Are there times when you want the camera turned off? Such as while dressing or bathing, or visits with certain individuals?
8. Who will be able to access the camera? Start/stop recordings? View recordings?
9. Who is responsible for the costs and maintenance of camera installation, operation, and removal?
10. What will you do with the information that has been recorded?

## Surveillance Cameras Are Not a Substitute for Personal Involvement

Surveillance cameras and electronic monitoring can act as an incentive for facility staff to treat residents with dignity and respect as well as provide quality care. However, a surveillance camera is not a substitute for good care, family involvement, or personal monitoring of care. Residents and family members should continue to be as involved as they can be in all aspects of the resident's life. It is possible that a resident could be treated unfairly outside of his/her room and this may not be recorded on the surveillance camera.

## Where to Get Help If You Suspect Abuse or Neglect

If you are concerned about your care, are the victim of abuse or neglect, or are not being treated with dignity and respect, get help immediately. Contact:

- The facility's administrator, director of nursing, social worker, or other trusted staff-person
- The State or Local Long-Term Care Ombudsman
- The state survey agency that licenses and certifies your facility
- Protection and Advocacy or Adult Protective Services agency
- A citizen advocacy group

Go to [www.theconsumervoice.org/get\\_help](http://www.theconsumervoice.org/get_help) for contact information for these agencies.

For more information about this issue, go to [www.theconsumervoice.org](http://www.theconsumervoice.org).