



## **Proposed Utah Legislation Would Allow Security Cameras within Assisted Living Rooms**

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On February 1, 2016, the Utah Legislature's House Health and Human Services Committee debated proposed legislation permitting an assisted living facility resident, or their representative, to install a video or audio monitoring device in the resident's room. The legislation, H.B. 124, is sponsored by State Representative Timothy Hawkes, and was first introduced in 2014. The bill is representative of the growing concerns about theft and abuse in long-term care facilities.

The Bill, entitled the "Assisted Living Facility Surveillance Act," has three primary provisions:

(1) allows a resident of an assisted living facility to install a video or audio monitoring device in the resident's room under certain conditions; (2) prohibits an assisted living facility from denying an individual admission to the facility or discharging a resident from the facility solely because the individual or resident wants to operate or install a monitoring device in the individual's or resident's room; and (3) provides that a facility, resident, or resident's legal representative may not be held civilly or criminally liable for operating or installing a monitoring device in accordance with certain requirements.<sup>1</sup>

In order to install the video or audio monitoring device, the resident or resident's legal representative must obtain written consent from any roommates that specifically states the hours when each roommate consents to the operation of the monitoring device and assume all responsibility for any cost related to installing or operating the monitoring device.<sup>2</sup> Additionally, the resident must notify the assisted living facility of his/her intent to install the monitoring device, the specific location where the device will be installed within the resident's room, and the technical specifications and capabilities of the device.

While other states have passed similar legislation related to surveillance within nursing homes, H.B. 124 would purportedly be the nation's first law explicitly allowing resident cameras in assisted living rooms under the circumstances described above.

<sup>1</sup> H.B. 124, Reg. Sess. (Utah 2016), <http://le.utah.gov/~2016/bills/static/HB0124.html>.

<sup>2</sup> *Id.*

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