**Policy**

Effective March 23, 2022, the facility complies with the nursing home monitoring device law pursuant to Ohio Revised Code § § 3721.60-3721.68 (“Monitoring Statute”). A resident or resident’s guardian or attorney-in-fact install and use of an electronic monitoring device (“Monitoring Device”) in the resident’s room consistent with the consent, notification and other requirements set forth in the monitoring Statute. It is the policy of facility not to prohibit or retaliate against a resident for conducting electronic monitoring pursuant to the law.

**Procedure**

A resident, and in certain cases the resident’s attorney-in-fact or guardian, may conduct electronic monitoring of the resident’s room through the use of electronic monitoring devices placed in the resident’s room. Throughout this policy and procedure, the following terms are defined below, and pursuant to the above-referenced statute:

“Electronic Monitoring” means the use of an electronic monitoring device in a resident room.

“Electronic Monitoring Device” means a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof, that is installed in a resident's room and broadcasts or records activities or sounds occurring in the room.

“Attorney-in-fact” means a person designated as such by a durable power of attorney for health care executed pursuant to sections 1337.12 to 1337.17 of the Revised Code.

“Guardian” means any person, association, or corporation appointed by the probate court to have the care and management of the person, the estate, or both of an individual determined to be unable to take proper care of their self or property.

“Resident” for the purpose of this policy and procedure means collectively, a facility resident, the resident’s attorney-in-fact and guardian.

“Request Form” means the form to be completed and submitted by a resident requesting the installation and use of an electronic monitoring device in the resident’s room.

**Consent and Notification**

Consent: Prior to conducting electronic monitoring, a resident must authorize installation and use of an electronic monitoring device in the resident’s room. The facility will provide the resident the request form for the resident to complete for installation and use of an electronic monitoring device in the resident’s room.

A resident who has authorized the installation and use of an electronic monitoring device may withdraw that authorization at any time.

Cost of Electronic Monitoring: The cost of the electronic monitoring device and the cost of installing, maintaining and removing the device, other than the cost of the electricity for the device, is paid for by the resident, resident’s guardian or attorney-in-fact. The facility is only required to pay for the cost of electricity for any electronic monitoring device.

Roommate Consent: Prior to implementing electronic monitoring, the resident must obtain the written consent by the resident’s roommate prior to the installation and use of an electronic monitoring device in the room before any such installation or device use may occur. Written roommate consent must be documented on the facility’s request form.

If the resident’s roommate declines consent to the proposed electronic monitoring device in the room, the resident requesting the installation of the electronic monitoring device shall discuss such situation with the facility. The facility shall make a reasonable attempt to accommodate the resident to have electronic monitoring device by either allowing the resident to move to another available room with the consent of the roommate of the proposed location or their guardian or attorney-in-fact. The resident may also choose to reside in a private room, but the Resident must pay any difference in cost for that private room. If the facility is unable to accommodate a resident, the request will be reevaluated periodically until the request if fulfilled, if possible.

Roommate Conditions: a roommate may place conditions on any consent to the installation or use of an electronic monitoring device, including conditions such as pointing the device away from the roommate or limiting or prohibiting use of certain devices. If conditions are placed on the consent, the device shall be installed and used in accordance with these resident roommate’s conditions. The resident’s roommate may withdraw consent at any time.

Notification: Prior to conducting electronic monitoring, the resident, and the roommate or roommate’s attorney-in-fact or guardian must complete the notification and consent form and submit the form to the Facility. The original form will be placed in the resident’s file. The facility will provide a copy to the resident and the resident’s roommate, if requested.

The resident or resident representative may submit the notification and consent form to the facility administrator.

Facility Form for Authorization of Installation and Use:

The facility has developed an electronic monitoring request form to authorize the installation and use of an electronic monitoring device in the resident’s room.

The form shall include at least the following:

An explanation of the requirements for authorization and installation of an electronic monitoring device and other required information under the statute.

An acknowledgment that the resident or the resident’s guardian or attorney-in-fact consented to the installation and use of the electronic device and the resident’s room.

In a room with multiple residents, acknowledgments of the roommate or the roommate’s guardian or attorney-in-fact consented to the installation and use of the device. The request form will also include any conditions by the roommate on consent to use of the device.

A description regarding the type, function and use of the device to be installed and used.

Documentation that the facility is released from liability for many civil or criminal action or administrative proceedings for violation of any resident’s right to privacy in connection with the use of this electronic monitoring device.

Facility-Authorized Deactivation of Electronic Monitoring Device: the facility shall deactivate the electronic monitoring device in the following circumstances:

* If the resident or roommate withdraws consent or affirmatively objects to electronic monitoring after it is in place. The facility shall then communicate with resident the requirements of updating the request form.
* If a device is detected in a shared room for which no request form has been completed.

If a device is detected in a private room, the facility will not deactivate the device, but rather immediately communicate with the resident their responsibility for completing the electronic monitoring request form.

**Restrictions and Conditions Regarding Use of Electronic Monitoring**

1. The facility will review a request form provided to it to confirm that the resident (and roommate, if applicable) has signed the form and otherwise fully completed it.
2. If a consent and notification form specify one or more conditions that must be met for electronic monitoring to occur, the facility shall discuss with resident to determine whose responsibility it is to comply with any conditions required, for example, but not limited to, turning on or off the device at certain times
3. No person may access any video or audio recording except for the resident, law enforcement personnel or other individuals specifically authorized by the resident.
4. The resident choosing to conduct electronic monitoring must do so at the resident’s own expense, including paying for purchase, installation, maintenance and removal costs. This also may include costs for contracting with an internet service provider.
5. The facility must only pay for the electricity that may be necessary to power the electronic monitoring device.
6. For the safety and security of the resident, Ohio Living strongly encourages all electronic monitoring device installations and supporting services to be UL-listed.
7. Resident must comply with any facility safety requirements with respect to use of cords, and electrical outlets.

**Notice to Residents and Visitors**

1. The Facility may inform residents of their option to conduct electronic monitoring of their rooms at admission, via a certain form, or handbook, etc.
2. Although the Electronic Monitoring Statute does not require it, facility may also choose to provide a copy of your policy and procedure to all residents, or to do so upon request.
3. The Facility may post a sign in a conspicuous space at the entrance to a resident’s room with that has an electronic monitoring device that such device is in use in the room.

**Obstruction and Resident Protections**

1. No person, other than the resident, shall intentionally obstruct, tamper with or destroy the device or recording may by the electronic monitoring device.
2. The facility will not:
	1. Refuse to admit a potential resident or remove a resident because the facility disagrees with the decision of the potential resident electronic monitoring;
	2. Retaliate or discriminate against any resident for consenting or refusing to consent to electronic monitoring;
	3. Prevent the placement or use of an electronic monitoring device by a resident who has complied with the consent and notification requirements above.