

Authorized Electronic Monitoring in Long-Term Care Facilities Act

September 8, 2020

12:00 – 1:00 CT

voice[®]
SPEAKING UP FOR QUALITY
LONG TERM CARE

DISCLOSURES

The moderator and speaker are employed by an Ombudsman organization receiving government funding

Chien Y. Hung
MSW, MA-G

Program Director
LTC Ombudsman Program

VOYCE

314 919 2411

chung@voycestl.org



BACKGROUND

- House Bill (HB) 1387 was signed by the Governor on 7/14/2020
- HB 1387, known as the **Authorized Electronic Monitoring in Long-Term Care Facilities Act** became law on 8/28/2020
- Here is the law
<https://revisor.mo.gov/main/OneChapter.aspx?chapter=198>
(Scroll down. It starts at 198.610)

CONSENT FORM

Electronic Monitoring Device Acknowledgment and Request Form

<https://health.mo.gov/about/proposedrules/pdf/19CSR-30-91.010-proposed-acknowledgment-and-request-form.pdf>

REGARDING CONSENT

- If a resident is legally deemed capable of making their own decisions, they have the right to decide to install/remove a device; the family or friends of a resident can't overrule the wishes of a resident who is his/her own responsible party, even though their intentions may be to protect their loved one. Exceptions only apply to those with guardians (legal representatives), in which case the guardian has the final say.
- An Electronic Monitoring Device Acknowledgement and Request Form MUST be completed and returned to the facility before installation begins.
- Any roommates MUST designate consent on this same form. While the facility should make every reasonable attempt to find new rooming situations if one party does not consent, monitoring cannot begin until roommates give signed consent on this form.
- The roommate(s) may withdraw consent at any time using the same Request Form, at which time all monitoring activities must be stopped until the situation is resolved.

REGARDING PLACEMENT OF DEVICES

- Location to be “open and obvious” to visitors, residents, and staff.
- Mounted in a location that is “fixed” and “stationary,” rather than on a rolling cart, chair, or another movable piece of furniture.
- Placed in a direction that only captures the space of the resident requesting installation, not at any common areas or interferes with the personal space or privacy of any roommates.
- Placement location is safe for visitors, residents, and staff moving through the room (avoid causing tripping or bumping of heads); no violation to pathways of safety.

WHOSE RESPONSIBILITY OF DOING WHAT?

The facility is responsible for providing electricity and a space to mount the device. They must also post signage alerting visitors about monitoring within the facility and within specific rooms.

The resident and/or their family must provide the device, coordinate installation/removal, gather consent, and provide WiFi or a hotspot.

THINGS TO CONSIDER...

- Does the camera offer two-way communication?
- Price point?
- Wireless or plug-in (Plug-in will be more reliable as wireless will require battery change).
- Memory Storage: How much cloud storage is available? Does cloud storage require a monthly subscription? Is there a slot for a memory or SD card? Memory/SD card is probably not a good idea; hard to access/review footage and can run out of memory space without knowing it.
- Does camera include night vision option?
- Cost of Wifi.
- Live streaming: Can it be viewed on a smartphone through the camera company app? Or does it require connection to a Smart Home device such as Alexa or Google Assistant?
- Does the camera send alerts when there is movement detected in the room?
- Picture quality.

DEVICE COMPANIES

- Kamtron
- Dericam
- Ring: \$3/month saved video history for 60 days.
- SimpliSafe
- Blink: requires Alexa device for live view.
- Wyze: requires Alexa or google assistant (no independent app for live streaming). Only stores 2 days of HD video on a MicroSD card. Offers a free storage feature, which records only the first 12 seconds of video when the motion sensor is triggered. Must upgrade to “continuous footage” option for \$1.50/month to avoid the 12 second video cut off. Videos are stored in the cloud for 14 days with the free and paid option.
- Blue by ADT: Expensive base price \$200. SD card slot. Camera holds 1 day of video footage. Can store up to 60 days in a Cloud with paid subscription (price not listed online).

Q & A

- Lisa Smith – SLAAA, South County, Jefferson County
314-919-2404; lsmith@voycestl.org
- Jessica Rogalski – NEMO, St. Charles, Franklin County
314-919-2408; jrogalski@voycestl.org
- Katie Morrison – North County, West County
314-919-2409; kmorrison@voycestl.org
- Libby Sykes – Central County
314-919-2407; lsykes@voycestl.org

Goeun Kwon – VOYCEconnect, 314-919-2403, gkwon@voycestl.org

Upcoming Webinars

- September 14: Crash Course - Cameras for Nursing Home Residents
- September 15: Legal Rights for Residents in End-of-Life Planning
- September 29: Disaster Preparedness for Long-Term Care Organizations
- October 13: Reflections on Changes to LTC Pt. 2: Money Follows the Person, Assisted Living, and Residential Care
- October 27: The Opioid Epidemic in Long-Term Care: Challenges and Solutions for Care Providers

Register at www.voycestl.org/events/long-term-care-conference