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| PHOTOGRAPHY, VIDEO, AUDIO OR ELECTRONIC MONITORING | | | | NO. | |
| PURPOSE:  To provide specific guidelines regarding videotaping, audiotaping, and/or photography of the residents that reside in the facility.  STATEMENT OF POLICY:  It is the policy of this facility to respect the confidentiality and rights of choice in regard to our residents. Residents have freedom of choice in regard to being videotaped, audiotaped, and photographed, subject to the facility’s policies affecting resident and staff conduct, and regulations governing protection of resident health and safety.  PROCEDURES:   1. RESIDENT IDENTIFICATION SYSTEM: 2. The facility uses a photo identification system to assist in assuring that medications and treatments are administered appropriately. 3. The photo identification is confidential and may not be released except in an emergency situation (i.e. missing resident). 4. Prior to or on admission, the resident or their representative must sign an authorization permitting the facility to take a photograph of the resident for identification purposes and release of the photograph in the event of an emergency. 5. CONSENT TO PHOTOGRAPH/VIDEO FOR PUBLICITY: 6. Residents agree to authorize Winning Wheels’ designated person(s) to photograph and/or video themselves for purposes of publicity upon admission. 7. Consent forms are available from the Director of Admissions or Administration. 8. Residents can revoke the approval with written notification to the Director of Admissions or Administrator. 9. OTHER PHOTOGRAPHY, VIDEO AND/OR AUDIO RECORDING: 10. Other photography, video and/or audio recording will not be allowed in the facility except authorized electronic monitoring per procedure IV below. 11. Residents, family members/responsible parties, and/or staff wishing to photograph, video or audio recording within the facility must notify the Administration in writing in advance. 12. A family member/responsible party, may photograph, video, or audio record the resident for which they are responsible. 13. The family member/responsible party that wish to photograph, video, or record other residents and/or staff members, they must first obtain permission from the Administrator. The Administrator may give permission after ensuring that involved parties have signed a written consent. 14. Staff members are prohibited from taking and distributing photos or videos that demean or humiliate a resident. | | | | | |
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| 1. Electronic Monitoring 2. Electronic monitoring will comply with the Illinois Public Act 99-430 – Authorized Electronic Monitoring in Long-Term Care Facilities Act. 3. The Act defines “Electronic Monitoring Device” as “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 under the provisions of the Act and broadcasts or records activity or sounds occurring in the room.” This is specific to a resident’s bedroom. Nothing in the Act shall be construed to allow the use of an electronic monitoring device to take still photographs or for the nonconsensual interception of private communications. 4. Consent: Possibly the most important concept of the Act is that of consent. A resident, their guardian or resident representative must consent in writing on a notification and consent form available from the Administrator. 5. A resident shall notify the facility in writing of their intent to install an electronic monitoring device by providing a completed IDPH Electronic Monitoring Notification and Consent Form. A copy of the completed notification and consent form shall be placed in the resident’s and any roommate’s clinical record and a copy shall be provided to the resident and their roommate, if applicable. 6. The monitoring device may be done in the resident’s assigned room and be specifically restricted to that resident’s bedroom area. 7. Prior to the authorized electronic monitoring, a resident must obtain the written consent of other residents residing in the room on the Electronic Monitoring and Consent Form. 8. Residents conducting previously authorized electronic must obtain consent from a new roommate before the resident may continue electronic monitoring. If a new roommate does not consent to authorized electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the device. 9. Consent may be withdrawn by the resident or roommate, and the withdrawal of consent shall be documented in the resident’s clinical record. If a roommate withdraws consent and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device. 10. If a resident who is residing in a shared room wants to conduct authorized electronic monitoring and another resident living in or moving into the same shared room refuses to consent to the use of an electronic monitoring device, the facility shall make a reasonable attempt to accommodate the resident who wants to conduct authorized electronic monitoring. The facility has met the requirement to make a reasonable attempt to accommodate a resident who wants to conduct authorized electronic monitoring when upon notification that a roommate has not consented to the use of an electronic monitoring device in their room, the facility offers to move either resident to another shared room that is available at the time of the request. If a resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device, the resident must pay the private room rate. If the facility is unable to accommodate a resident due to lack of space, the facility must reevaluate the request every two (2) weeks until the request is fulfilled. | | | | | |
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| PHOTOGRAPHY, VIDEO, AUDIO OR ELECTRONIC MONITORING | | | | NO. | |
| 1. Cost and installation: 2. A resident choosing to conduct authorized electronic monitoring must do so at their own expense, including paying purchase, installation, maintenance, and removal costs. 3. If a resident chooses to install an electronic monitoring device that uses internet technology for visual or audio monitoring, that resident is responsible for contracting with an internet service provider. 4. Winning Wheels shall make a reasonable attempt to accommodate the resident’s installation needs. 5. The electronic monitoring device must be placed in a conspicuously visible location in the room. 6. Winning Wheels may not charge the resident a fee for the cost of electricity used by an electronic monitoring device. 7. Electronic monitoring device installations and supporting services shall comply with the requirements of the National Fire Protection Association (NFPA) 101 Life Safety Code (2000 edition) 8. The resident must provide Winning Wheels with a copy of contracts for the maintenance of the electronic monitoring device. 9. Notice of Visitors: 10. If a resident of Winning Wheels conducts authorized electronic monitoring, a sign shall be clearly and conspicuously posted at building entrances accessible to visitors. The notice must be entitled “Electronic Monitoring” and must state, in large, easy-to-read type, “The rooms of some residents may be monitored electronically by or on behalf of the residents.” 11. A sign shall be clearly and conspicuously posted at the entrance to a resident’s room where authorized electronic monitoring is being conducted. The notice must state, in large, easy-to-read type, “This room is electronically monitored.” 12. The facility is responsible for installing and maintaining the required signage. 13. Obstruction of electronic monitoring devices: 14. A person or entity is prohibited from knowingly hampering, obstructing, tampering with, or destroying an electronic monitoring device legally installed in a resident’s room without the permission of the resident or the individual who consented on behalf of the resident. 15. A person or entity is prohibited from knowingly hampering, obstructing, tampering with, or destroying a video or audio recording legally obtained without permission of the resident or the individual who consented on behalf of the resident. 16. A person or facility may turn off the electronic monitoring device or block the visual recording component of the electronic monitoring device at the direction of the resident or the person who consented on behalf of the resident. | | | | | |
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| 1. Dissemination of Recordings: 2. Winning Wheels may not access video or audio recordings created through authorized electronic monitoring without the written consent of the resident or the person who consented on behalf of the resident. 3. Except as required under the Freedom of Information Act, a recording or copy of a recording may be disseminated for the purpose of addressing concerns relating to the health, safety, or welfare of a resident or residents. 4. The resident or person who consented on behalf of the resident shall provide a copy of video or audio recordings to parties involved in a civil, criminal, or administrative proceeding, upon a party’s request, if the video or audio recording was made during the time period that the conduct at issue in the proceeding allegedly occurred. 5. Report: 6. Winning Wheels shall report to the Illinois Department of Public Health, in a manner prescribed by the Department, the number of authorized electronic monitoring notification and consent forms received annually. | | | | | |
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