

Installing Audio/Video Cameras in Intermediate Care Facilities for Individuals with Intellectual Disabilities

House Concurrent Resolution 48 of the 2019 Regular Legislative Session

Prepared by:

Louisiana Department of Health

Health Standards Section

Author 1: Cecile Castello BSN, RN

Deputy Assistant Secretary

Louisiana Department of Health

Author 2: Alisa Morris RN

Health Standards Section Legislative Liaison

Louisiana Department of Health

Date: October 18, 2019



Contents

Introduction / Executive Summary.....	2
Requirements of the Resolution.....	2
Summary of ICF's Survey Results and Conference Call.....	2-3
Program Status and Continuing Activities.....	3
Conclusion.....	3-4

Introduction / Executive Summary: House Concurrent Resolution (HCR) Forty-Six (48) Installing Audio/Video Monitoring Devices in Intermediate Care Facilities for Individuals with Intellectual Disabilities

Introduction

As required by House Concurrent Resolution (HCR) 48 of the 2019 Regular Legislative Session (HCR 48) did urge and request the Louisiana Department of Health (LDH) to study the feasibility and desirability of implementing a policy to allow the use of audio/video monitoring devices in the rooms of residents living in Intermediate Care Facilities (ICF) for Individuals with Intellectual-Developmental Disability (DD).

Requirements of the Resolution

ICF/DD's provide services to individuals that require twenty-four (24) hours of active treatment in community, group, or residential home settings and are licensed and certified by LDH-HSS. ICF homes are usually three (3) to four (4) bedroom homes where 6-8 people live that provide care to individuals who have dual diagnosis of severe, chronic physical, developmentally, and/or cognitive intellectual disabilities that are closely related to mental retardation and manifested before the age of twenty-two.

The ICF/DD workgroup had the first meeting July 8, 2019 with LDH team members from Health Standards Section (HSS), Office of Behavior Health (OBH), and Office of Citizens with Developmental Disabilities (OCDD) and staff from Rep Frank Foil's office. During this meeting, it was determined to implement an ICF Survey Monkey to gather information from current ICF providers as to their current policies, procedures, and guidelines regarding the use/request for use of monitoring devices in their homes as well as the capacity of their homes to provide such. The Survey Monkey was emailed to all ICF/DD Providers August 12, 2019. Responses from the Survey Monkey was less than twenty percent from the over 540 licensed ICF/DD Providers. Because the response was minimum, the ICF/DD Team invited and held a conference call on September 24, 2019 with the larger corporate entities which operate the majority of ICF's statewide to obtain a better understanding of this matter within their organizations.

Summary of ICF Survey Results and Conference Call

The majority of the ICF/DD entities that responded to inquiries stated that they had not been approached by a client or family member about installing an audio/video monitoring camera devices in a client's bedroom. ICF's that were asked about installing cameras voiced many concerns:

1. **"Right to Privacy:"** was their primary concern, as many of their clients share the same bedroom in the home with another client. Providers expressed their concern about videos being shared through social media and no protection for the privacy of the other clients residing in the home.
2. **Consents:** Providers expressed their concerns regarding ICF clients that did not have the cognitive ability to sign or verbally give consent, as well as, many of the clients have little to no contact with family members, nor do they have a legal family representative that can be readily located to consent for video monitoring devices.
3. **Wi-Fi Access:** Audio/Video Monitoring devices require Wi-Fi access and band width usage for internet speed to adequately record a video monitoring camera device. This was a major concern with all the ICF's, as many of them do not have Wi-Fi capability, and for the most part, many of the ICF's are located in rural areas where access is challenging. Wi-Fi access in rural areas are via

satellite services with limited usage on bandwidth and minimal streamlining capability to operationalize the video monitoring device cameras on a daily basis.

4. **Installation of Audio/Video Monitoring Devices:** Many of the ICF's are older homes with limited electrical outlet and panel capability required for installation. Most of the ICF's would require additional cable lines and electrical wiring for installation, protection of the ICF's firewalls, as well as, technicians that may be required to enter the ICF home to install video monitoring devices.
5. **Internet Technology (IT) Support and Security:** Some ICF's have instituted cameras in the commons areas (kitchen, dining, activity/media, and the patio areas) of the home and have control over the safeguard of these cameras. ICF's IT support are very limited and have expensive service contracts. Many of their concerns expressed were who would be held responsible for:
 - A. Expenses for repairing or replacing monitoring devices after being damaged by another client?
 - B. Troubleshooting when monitoring device malfunctions?
 - C. Maintenance and technology updates?

Program Status and Continuing Activities

Although most ICF/DD's providers indicate they have not been approached by clients or family members who desire a camera in their bedroom, they are not opposed to implementing policies and procedures with stringent guidelines regarding the installation of the video monitoring devices (cameras). Many of the ICF clients attend school, day programs, community activities through a direct support worker (DSW) and are not in the ICF home during the day; therefore, cameras would primarily be utilized during the evening and hours of sleep.

ICF Providers state that their clients have limited financial and family support and ask how this is going to be feasible for ICF clients to endure the expenditures for purchasing, installation, monthly service agreement with the video monitoring company and contracts for Wi-Fi services to streamline the video monitoring camera device. Providers reiterated their concern regarding the financial responsibility for monthly payments for these services, as many of these ICFs already have monitoring devices in common areas of the home monitored by their own Security Company and Wi-Fi services and question how these service providers will remain separate.

As technology continues to improve, becoming more widespread and more accessible, the Department will partner with ICF stakeholders to work with patients and their families to best utilize these tools for the benefits of the residents.

Conclusion

The ICF Team concurs with the ICF/DD Providers about their concerns regarding "Right to Privacy" and Consents installing audio/visual monitoring cameras in individual bedrooms, as this may violate the individual rights as outlined in the DD Law RS-28:452.1 B (6): To receive supports and services in a respectful and in the least intrusive manner and B (10): To privacy of person and belongings. CMS ICF Interpretive Guidelines, under Protection of Client Rights, also requires the ICF to provide each individual with an opportunity for personal privacy. Therefore, if audio/video monitoring devices are in bedrooms, it will be important that the ICF's written policies on rights have specifics requiring consents for the use of the audio/video monitoring devices and about when to turn off the devices/cameras to allow the individual privacy in their bedrooms.

LDH will continue to utilize every opportunity to educate Intermediate Care Facilities Providers, their Staff, Clients/Residents and their families, as well as, the general public about the installation of Audio/Video Monitoring Devices in ICF bedrooms. The Department will maintain an ongoing relationship with the ICF Providers and keep them well informed and up-to-date through website postings and email fax blas, and be readily accessible by telephone and/or email to answer questions and concerns, as Legislators move forward with the HCR 48. LDH is committed to assist ICF Providers in defining the stringent process and procedures to protect the Clients/Residents "Right to Privacy" and to ensure the health, safety and welfare for individuals with developmental disabilities are maintained.

Thank you for allowing LDH-HSS, OCDD, and OBH to present our efforts gathering data and feedback to compose the study report on the House Concurrent Resolution 48. Should you have any questions about this correspondence and conclusion, please contact, Ms. Cecile Castello BSN, RN, Deputy Assistant Secretary, for Louisiana Department of Health at (225)-342-4997.

Respectfully Yours,



Cecile Castello, RN
Deputy Assistant Secretary
LDH/Health Standards Section

Cc: The Honorable Members of the Senate Health and Welfare Committee for Louisiana State Senate
The Honorable Members of the House Health and Welfare Committee for Louisiana State House of Representatives

Louisiana Department of Health
628 North Fourth Street, Baton Rouge, Louisiana 70802
(225) 342-9500
www.ldh.la.gov

 www.facebook.com/LaHealthDept

 www.twitter.com/LADeptHealth