**Section 389.110 Authorized Electronic Monitoring**

a) *A resident shall be permitted to conduct authorized electronic monitoring of the resident's room through the use of electronic monitoring devices placed in the room pursuant to the Act* and this Part*.*  (Section 10(a) of the Act)

b) *A facility that houses dementia residents may allow electronic monitoring devices only in rooms that are located in a building that is entirely dedicated to dementia care; or that are located in a building wing that is solely dedicated to dementia care*. (Section 10(c) of the Act)

c) *Authorized electronic monitoring may begin only after a notification and consent form prescribed by the Department has been completed and submitted to the facility.* (Section 20(a) of the Act)

d) *The completed notification and consent form must include, at minimum, the following information:*

1) *The resident's signed consent to electronic monitoring or the signature of the person consenting on behalf of the resident in accordance with Section 15 of* the Actand Section 389.115*. If a person other than the resident signs the consent form, the form must document the following:*

A) *The date the resident was asked if he or she wants authorized electronic monitoring to be conducted in accordance with the Act* and this Part*;*

B) *Who was present when the resident was asked; and*

C) *An acknowledgement that the resident did not affirmatively object.*

2) *The resident's roommate's signed consent or the signature of the person consenting on behalf of the resident's roommate in accordance with Section 15 of* the Act and Section 389.120, *if applicable, and any conditions placed on the roommate's consent. If a person other than the resident's roommate signs the consent form, the form must document the following:*

A) *The date the roommate was asked if he or she wants authorized electronic monitoring to be conducted in accordance with the Act* and this Part*;*

B) *Who was present when the roommate was asked; and*

C) *An acknowledgement that the roommate did not affirmatively object.*

3) *The type of electronic monitoring device to be used;*

4) *Any installation needs, such as mounting of a device to a wall or ceiling;*

5) *The proposed date of installation for scheduling purposes;*

6) *A copy of any contract for maintenance of the electronic monitoring device by a commercial entity;*

7) *A list of standard conditions or restrictions that the resident or a roommate may elect to place on use of the electronic monitoring device, including, but not limited to:*

A) *Prohibiting audio recording;*

B) *Prohibiting broadcasting of audio or video;*

C) *Turning off the electronic monitoring device or blocking the visual recording component of the electronic monitoring device for the duration of an exam or procedure by a health care professional;*

D) *Turning off the electronic monitoring device or blocking the visual recording component of the electronic monitoring device while dressing or bathing is performed; and*

E) *Turning the electronic monitoring device off for the duration of a visit with a spiritual advisor, ombudsman, attorney, financial planner, intimate partner, or other visitor.*

8) *Any other condition or restriction elected by the resident or roommate on the use of an electronic monitoring device.* (Section 20(b) of the Act)

e) *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 his or her roommate, if applicable.*  (Section 20(c) of the Act)

f) *Nothing in the Act* and this Part *shall be construed to allow the use of an electronic monitoring device to take still photographs or for the nonconsensual interception of private communications*. (Section 10(b) of the Act)