**Section 389.115 Consent of the Resident**

a) *A resident, a resident's plenary guardian of the person, or the parent of a resident under the age of 18 must consent in writing on a notification and consent form prescribed by the Department to the authorized electronic monitoring in the resident's room.*

b) *A resident or* resident's *roommate may consent to authorized electronic monitoring with any conditions of the resident's choosing, including, but not limited to, the list of standard conditions provided in* Section 389.110(d)(7).

c) *If the resident has not affirmatively objected to the authorized electronic monitoring and the resident's physician determines that the resident lacks the ability to understand and appreciate the nature and consequences of electronic monitoring, the following individuals may consent on behalf of the resident, in order of priority:*

1) *A health care agent named under the Illinois Power of Attorney Act;*

2) *A resident's representative;*

3) *The resident's spouse;*

4) *The resident's parent;*

5) *The resident's adult child who has the written consent of the other adult children of the resident to act as the sole decision maker regarding authorized electronic monitoring; or*

6) *The resident's adult brother or sister who has the written consent of the other adult siblings of the resident to act as the sole decision maker regarding authorized electronic monitoring.* (Section 15(a) of the Act)

d) *Prior to another person, other than a resident's plenary guardian of the person, consenting on behalf of a resident 18 years of age or older in accordance with* subsection (b)of *this Section, the resident must be asked by that person, in the presence of a facility employee, if he or she wants authorized electronic monitoring to be conducted. The person must explain to the resident:*

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

2) *The standard conditions that may be placed on the electronic monitoring device's use, including those listed in* Section 389.110(d)(7)*;*

3) *With whom the recording may be shared according to Section 45 of the Act* and Section 389.145*; and*

4) *The resident's ability to decline all recording.* (Section 15(a-5) of the Act)

e) *For the purposes of this* Section*, a resident affirmatively objects when he or she orally, visually, or through the use of auxiliary aids or services declines authorized electronic monitoring. The resident's response must be documented on the notification and consent form.* (Section 15(a-5) of the Act)

f) *A resident or resident's roommate may request that the electronic monitoring device be turned off or the visual recording component of the electronic monitoring device be blocked at any time.* (Section 15(b) of the Act) The facility shall document any request by either the resident or the resident's roommate, or by the resident's or the roommate's representative, to turn off the electronic monitoring device or block the visual component of it. The facility shall place documentation of the request in the resident's and the resident's roommate's clinical records within 24 hours after the request.