
OLR Bill Analysis

HB 5142

AN ACT CONCERNING THE USE OF TECHNOLOGY FOR VIRTUAL VISITATION AND MONITORING IN NURSING HOMES AND RESIDENTIAL CARE HOMES.

SUMMARY

This bill extends protections and requirements in existing law for using virtual visitation and monitoring technology in nursing homes to cover its use in residential care homes as well.

Additionally, the bill makes it a class B violation for a facility to hinder, in specified ways, a resident's ability to lawfully use virtual visitation and monitoring technology. Class B violations by nursing homes carry a civil penalty of up to \$10,000 and by residential care homes, of up to \$3,000.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2026

VIRTUAL VISITATION AND MONITORING TECHNOLOGY

As under existing law, virtual visitation is remote visitation between a resident and family member, or other person, using a device capable of audio or video communications that may be able to record. Virtual monitoring allows a third party to remotely monitor a resident using technology the resident owns and operates in his or her room or living area.

Existing law lets nursing home residents use virtual monitoring or virtual visitation technology and establishes related notification, use, and consent requirements. The bill imposes the same restrictions and requirements on residential care homes and their residents, including requirements that:

1. residents get any roommates' written consent before using virtual monitoring technology in a shared living space;
2. residents file, at least seven days before they use or install the technology, certain information with the facility (e.g., on the technology's capabilities and when and where the resident intends to use it, a liability waiver, and an acknowledgment the resident is responsible for the technology's costs); and
3. the facility place at its entrance conspicuous notice that this technology may be in use in some residents' rooms or living areas.

As existing law requires of nursing homes, the bill requires residential care homes to provide free internet access and power for residents to use this technology if the (1) facility includes internet access in cost reports that it files with the Department of Social Services (DSS) for Medicaid reimbursement; (2) cost is reimbursed if eligible for reimbursement under DSS's rate setting methodology; (3) DSS commissioner uses any available federal funding for COVID-19-related expenses to provide grants to make these internet infrastructure upgrades; and (4) facility may assess a prorated portion of any unreimbursed cost of these upgrades to any private-pay resident who uses this technology. (Under current law, unchanged by the bill, residential care homes do not receive direct Medicaid reimbursement.)

Under the bill, residential care homes may establish policies and procedures for virtual monitoring technology, including, among other things, restrictions on its use (1) in common spaces or in ways that would interfere with resident care or privacy, (2) to comply with safety and fire protection requirements, or (3) when the facility's internet service is disrupted.

PENALTIES FOR INTERFERING WITH THE TECHNOLOGY

The bill makes it a class B violation (see BACKGROUND) for nursing homes or residential care homes to do any of the following:

1. interfere with, disable, damage, remove, or otherwise tamper

- with technology that facilitates virtual monitoring or virtual visitation;
2. restrict, prevent, or delay a resident’s lawful use of the technology; or
 3. fail to process, accept, retain, or maintain any required notice, consent form, or documentation related to this technology.

Under existing law, unchanged by the bill, the nursing home patients’ bill of rights states that residents of nursing homes and residential care homes (among other facility types) are entitled to purchase and use virtual visitation technology, so long as it does not violate other individuals’ right to privacy under state or federal law. Patients who are negligently deprived of these rights may bring a private cause of action in court (CGS § 19a-550(b)&(e)).

BACKGROUND

Nursing Home and Residential Care Home Violations

The law establishes two types of citations, which are based on the nature of the violation. Class A violations present an immediate danger of death or serious harm to a resident. They carry a civil penalty of up to \$20,000 for nursing homes and up to \$5,000 for residential care homes. Class B violations present a potential for death or serious harm in the reasonably foreseeable future. They carry a civil penalty of up to \$10,000 for nursing homes and up to \$3,000 for residential care homes. The Department of Public Health must include a notice of noncompliance with the citation (CGS §§ 19a-524, -527 & -527a).

COMMITTEE ACTION

Aging Committee

Joint Favorable
Yea 14 Nay 0 (03/05/2026)