



House of Representatives

File No. 727

General Assembly

February Session, 2026

(Reprint of File No. 84)

House Bill No. 5142
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2026

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

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2026*) (a) As used in this section:
- 2 (1) "Resident" means a resident of a residential care home;
- 3 (2) "Resident representative" means (A) a court-appointed
4 conservator of the person or guardian, (B) a health care representative
5 appointed pursuant to section 19a-575a of the general statutes, or (C) if
6 there is no court-appointed conservator of the person or guardian, or
7 health care representative, a person who is (i) designated in a written
8 document signed by the resident and included in the resident's records
9 on file with the residential care home, or (ii) if there is no such written
10 document, a person who is a legally liable relative or other responsible
11 party, provided such person is not an employer or contractor of the
12 residential care home;

13 (3) "Residential care home" has the same meaning as provided in
14 section 19a-490 of the general statutes;

15 (4) "Technology" means a device capable of remote audio or video
16 communications that may include recording capabilities; and

17 (5) "Virtual monitoring" means remote monitoring of a resident by a
18 third party via technology owned and operated by the resident in the
19 resident's room or living quarters.

20 (b) (1) A resident shall have the right to use technology of the
21 resident's choice that facilitates virtual monitoring, provided:

22 (A) The purchase, activation, installation, maintenance, repair,
23 operation, deactivation and removal of such technology is at the
24 expense of the resident;

25 (B) The technology and any recordings and images obtained
26 therefrom are used by the resident and any person communicating with
27 the resident or monitoring the resident in a manner that does not violate
28 any individual's right to privacy under state or federal law and in
29 accordance with the provisions of this section;

30 (C) A clear and conspicuous notice is placed on the door of the
31 resident's room or living unit indicating that technology enabling
32 virtual monitoring and intended for such use may be in use;

33 (D) In cases where the resident intends to use technology for virtual
34 monitoring in shared living situations, the resident or resident
35 representative provides advance notice to a roommate or the
36 roommate's representative specifying the type of technology, the
37 proposed location of the device, its intended use, intended hours of
38 operation and whether the device is capable of recording audio or video
39 or being activated remotely;

40 (E) The resident or resident representative (i) obtains the written
41 consent of all roommates or resident representatives of all roommates
42 for the use of the technology for virtual monitoring, and (ii) if any

43 roommate withdraws consent, ceases using the technology for virtual
44 monitoring until consent is obtained; and

45 (F) The resident or resident representative files a signed, written
46 notice with the residential care home and a copy of any written consent
47 of any roommate not less than seven days before installing or using such
48 technology for virtual monitoring that (i) identifies the type of
49 technology, its intended use, intended hours of operation and location
50 of such technology in the room or living quarters, (ii) states whether the
51 technology is capable of recording audio or video or being activated or
52 controlled remotely, (iii) acknowledges that the resident is responsible
53 for the purchase, activation, installation, maintenance, repair, operation,
54 deactivation and removal of such technology, and (iv) includes a waiver
55 of all civil, criminal and administrative liability for the residential care
56 home in accordance with subsection (e) of this section.

57 (2) Except as provided in subparagraph (B) of subdivision (1) of this
58 subsection, the provisions of this subsection shall not apply to cellular
59 mobile telephones used primarily for telephonic communication or
60 tablets not used for virtual monitoring. If a roommate withdraws
61 consent for the use of technology for virtual monitoring, a resident or
62 resident representative shall inform the residential care home, in
63 writing, not later than seven days after the roommate withdraws
64 consent.

65 (c) A residential care home may establish policies and procedures on
66 the use of technology for virtual monitoring addressing (1) except for
67 cellular mobile telephones used primarily for telephonic
68 communication or tablets not used for virtual monitoring, placement of
69 any technology device in a conspicuously visible, stationary location in
70 the resident's room or living quarters, (2) restrictions on use of the
71 technology to record video or audio outside the resident's room or living
72 quarters or in any shared common space, (3) compliance with applicable
73 federal, state and local life safety and fire protection requirements, (4)
74 limitations on use of technology for virtual monitoring when such use
75 will interfere with resident care or privacy unless the resident, a

76 roommate of the resident, or his or her resident representative, consents
77 to such use, (5) the ability to limit use of technology in the event of a
78 disruption to the residential care home's Internet service, and (6) actions
79 that the residential care home may take for failure to comply with
80 applicable federal, state and local laws or residential care home policy
81 in the use of technology and the process by which a resident may appeal
82 such actions.

83 (d) The Office of the Long-Term Care Ombudsman may provide
84 standard forms on its Internet web site for (1) notice by a resident to a
85 residential care home of the resident's plan to install and use technology
86 of his or her choice for virtual monitoring; (2) consent forms for any
87 roommate of a resident who wishes to use technology for virtual
88 monitoring that may capture audio or video of the roommate; and (3)
89 forms for a resident or resident representative to notify the residential
90 care home that a roommate has withdrawn consent for use of
91 technology for virtual monitoring. The Office of the Long-Term Care
92 Ombudsman shall develop such standard forms in consultation with
93 residential care home representatives and the Department of Public
94 Health.

95 (e) A residential care home shall be immune from any civil, criminal
96 or administrative liability for any (1) violation of privacy rights of any
97 individual under state law caused by a resident's use of technology in
98 accordance with the provisions of this section; (2) damage to the
99 resident's technology, including, but not limited to, malfunction, not
100 caused intentionally or negligently by the residential care home; and (3)
101 instance when audio or video produced by the resident's technology is
102 inadvertently or intentionally disclosed to, intercepted or used by an
103 unauthorized third party, provided the residential care home does not
104 intentionally cause such audio or video to be disclosed to, intercepted
105 or used by an unauthorized third party.

106 (f) The Commissioner of Public Health may adopt regulations in
107 accordance with the provisions of chapter 54 of the general statutes to
108 implement the provisions of this section.

109 Sec. 2. Subsection (d) of section 19a-550b of the general statutes is
110 repealed and the following is substituted in lieu thereof (*Effective October*
111 *1, 2026*):

112 (d) A nursing home facility shall be immune from any civil, criminal
113 or administrative liability for any (1) violation of privacy rights of any
114 individual under state [or federal] law caused by a resident's use of
115 technology in accordance with the provisions of this section; (2) damage
116 to the resident's technology, including, but not limited to, malfunction,
117 not caused [by the negligence of] intentionally or negligently by the
118 nursing home facility; and (3) instance when audio or video produced
119 by the resident's technology is inadvertently or intentionally disclosed
120 to, intercepted or used by an unauthorized third party, provided the
121 nursing home facility does not intentionally cause such audio or video
122 to be disclosed to, intercepted or used by an unauthorized third party.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2026</i>	New section
Sec. 2	<i>October 1, 2026</i>	19a-550b(d)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires residential care home residents be allowed to use virtual monitoring technology under certain circumstances, resulting in no fiscal impact to the state or municipalities.

House "A" strikes the underlying bill and its associated fiscal impact, resulting in the impact described above.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OLR Bill Analysis**HB 5142 (as amended by House "A")******AN ACT CONCERNING THE USE OF TECHNOLOGY FOR VIRTUAL VISITATION AND MONITORING IN NURSING HOMES AND RESIDENTIAL CARE HOMES.*****SUMMARY**

This bill allows residential care home residents to use technology of their choosing for virtual monitoring and establishes related notification, use, and consent requirements.

Existing law, unchanged by the bill, similarly allows nursing home residents to use this technology (as well as technology for virtual visitations) and gives nursing homes immunity from liability arising from its use in three circumstances. The bill narrows these circumstances and gives residential care homes the same immunity.

Under the bill, "virtual monitoring technology" allows someone to remotely monitor a resident using devices capable of audio or video communications, which may be able to record, that the resident owns and operates in his or her room or living area. The resident must purchase, activate, install, maintain, repair, operate, deactivate, and remove the technology at his or her own expense.

The bill authorizes the Department of Public Health commissioner to adopt regulations to implement the bill's provisions on residential care homes.

*House Amendment "A" eliminates from the underlying bill provisions (1) on virtual visitation technology in residential care homes and (2) making it a class B violation for nursing homes and residential care homes to interfere, in certain ways, with a resident's ability to use

the technology. It also eliminates from the underlying bill requirements that residential care homes (1) provide Internet access and power for the technology in certain circumstances, (2) post notice by their front entrances that the technology may be in use, and (3) relocate roommates who do not consent to a resident's use of the technology in shared spaces. It also adds limits on immunity for nursing homes under existing law and extends this immunity to residential care homes.

EFFECTIVE DATE: October 1, 2026

Roommate Notice and Consent

If a residential care home resident intends to use technology for virtual monitoring in a shared living space, the bill requires the resident to first notify any roommates and tell them the type and location of the technology, its intended use and hours of operation, and whether it can record audio or video or be activated remotely.

The resident must also get the roommate's consent to use the technology. If the roommate later withdraws consent, the resident must stop using the virtual monitoring technology unless he or she again consents.

Generally, the bill authorizes "resident representatives" to do things it allows or requires a resident to do (to give or get consent to use the technology, for example). A "resident representative" is a person who is the resident's (1) legally appointed health care representative, guardian, or conservator; (2) designee, as indicated in a signed written document in the resident's facility records; or (3) legally liable relative or other responsible party who is not a facility employee or contractor.

Resident Notification to the Home

Under the bill, the resident must file a signed, written notice with the home and a copy of the roommate's consent, if applicable, at least seven days before installing or using the virtual monitoring technology. The notice must:

1. identify the type of technology and its intended use, hours of use,

- and location in the resident's room or living unit;
2. state whether the technology is able to record audio or video or be remotely activated or controlled;
 3. acknowledge that the resident is responsible for purchasing, installing, activating, maintaining, repairing, operating, deactivating, and removing the technology; and
 4. include a waiver of all civil, criminal, and administrative liability for the residential care home.

The resident must also notify the residential care home in writing within seven days if a roommate withdraws his or her consent for the technology's use.

Residential Care Home Policies and Procedures

The bill authorizes residential care homes to set policies and procedures for using virtual monitoring technology that address:

1. placing the devices in a visible, stationary location in the resident's room or living areas;
2. restrictions on recording video or audio outside the resident's room or living areas or in any shared common spaces;
3. compliance with applicable federal, state, and local life, safety, and fire protection requirements;
4. limitations on using the technology when it will interfere with resident care or privacy unless the resident, any roommate, or their representatives consent to its use;
5. the ability to limit the technology's use if the home's internet service is disrupted; and
6. actions that the residential care home may take if a resident does not comply with applicable federal, state, and local laws or

facility policy in using the technology, including a process for residents to appeal these actions.

Facility Notice Requirements

The bill requires a conspicuous notice to be placed on the door of a resident's room or living area where virtual monitoring technology may be used.

Notification and Consent Forms

The bill authorizes the long-term care ombudsman, in consultation with the Department of Public Health and residential care home representatives, to develop and provide standard forms on its website for:

1. residents' notice to a residential care home of their intent to install and use virtual monitoring technology,
2. roommate consent forms for residents who wish to use virtual monitoring technology that may capture audio or video of a roommate, and
3. resident notice to the residential care home that a roommate has withdrawn consent for using virtual monitoring technology.

Use of Recordings and Images and Mobile Devices

Under the bill, the technology and any recordings or images obtained from it must be used by the resident and any person communicating with or monitoring the resident in a manner that does not violate an individual's right to privacy under state or federal law.

Although the bill broadly exempts from the bill's requirements cell phones primarily used for phone calls and tablets not used for virtual monitoring, it specifies this requirement applies to cell phones and tablets as well.

IMMUNITY FROM LIABILITY

Nursing Homes

Under existing law, nursing home residents can use technology for virtual visitations as well as virtual monitoring (see BACKGROUND). Nursing homes are immune from civil, criminal, and administrative liability from its use in three circumstances under current law. The bill narrows these circumstances, as described in the below table.

Table: When Nursing Homes Have Immunity Under Current Law and the Bill

<i>Current law</i>	<i>Under the Bill</i>
An individual's privacy rights, under state or federal law, were violated due to a resident's use of the technology	Home has immunity only for violations of state, not federal, law and if the resident was using the technology in a way the law allows
A resident's technology was damaged but not because of the home's negligence	Home has immunity only if it neither intentionally nor negligently caused the damage
Audio or video a resident recorded was accidentally or intentionally disclosed to an unauthorized party or an unauthorized party intercepted or used it	Home has immunity only if it did not intentionally cause the audio or video to be disclosed, intercepted, or used

Residential Care Homes

The bill also makes residential care homes immune from civil, criminal, and administrative liability for damages caused by the use of video monitoring (but not virtual visitation) technology in the same three circumstances, meaning when:

1. an individual's rights to privacy under state law are violated by a resident using the technology in a way the bill allows;
2. a resident's technology is damaged or malfunctions, as long as the home did not intentionally or negligently cause it; or
3. audio or video a resident made is accidentally or intentionally disclosed to or used or intercepted by an unauthorized party, as long as the home did not intentionally cause it.

BACKGROUND

Virtual Visitation Technology

By law, nursing home residents have a right to use virtual visitation, as well as virtual monitoring, technology as long as they comply with

the law’s notice, use, and consent requirements. “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 (CGS § 19a-550b).

Additionally, 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)).

COMMITTEE ACTION

Aging Committee

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

Public Health Committee

Joint Favorable
Yea 28 Nay 1 (04/07/2026)