



House Bill No. 5142

Public Act No. 26-28

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:

Section 1. (NEW) (*Effective October 1, 2026*) (a) As used in this section:

(1) "Resident" means a resident of a residential care home;

(2) "Resident representative" means (A) a court-appointed conservator of the person or guardian, (B) a health care representative appointed pursuant to section 19a-575a of the general statutes, or (C) if there is no court-appointed conservator of the person or guardian, or health care representative, a person who is (i) designated in a written document signed by the resident and included in the resident's records on file with the residential care home, or (ii) if there is no such written document, a person who is a legally liable relative or other responsible party, provided such person is not an employer or contractor of the residential care home;

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

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

House Bill No. 5142

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

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

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

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

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

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

(E) The resident or resident representative (i) obtains the written consent of all roommates or resident representatives of all roommates for the use of the technology for virtual monitoring, and (ii) if any roommate withdraws consent, ceases using the technology for virtual monitoring until consent is obtained; and

House Bill No. 5142

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

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

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

House Bill No. 5142

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

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

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

(f) The Commissioner of Public Health may adopt regulations in

House Bill No. 5142

accordance with the provisions of chapter 54 of the general statutes to implement the provisions of this section.

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

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