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ATTORNEY GENERAL MADIGAN ANNOUNCES LEGISLATION TO ALLOW VIDEO, AUDIO MONITORING IN NURSING HOMES

Chicago — Attorney General Lisa Madigan today announced a legislative proposal that will allow nursing home residents and their families to provide video or audio monitoring devices in their rooms to ensure their safety and well-being.

The initiative stems from recent complaints Madigan has received from residents and their families who are concerned for their relatives' care and security. Madigan's proposal would allow residents of nursing homes and rehabilitation facilities or their family members to purchase and install video or audio monitoring devices in their rooms.

The Attorney General cited an increasing need for additional safety measures at Illinois nursing homes as the state's population continues to age. Currently, Illinois has over 1,200 nursing home facilities with over 100,000 residents. The U.S. Census Bureau also estimates that by 2030, 22.3 percent of Illinois' population will be aged 60 and older, an increase of more than 28 percent from 2012.

"At some point, we are all likely to face having a family member in a nursing home," Attorney General Madigan said. "Providing residents and their families the option to install monitoring devices in their rooms will provide peace of mind that our loved ones are being cared for in the best possible manner."

Madigan noted that video and audio surveillance could be used as an added tool to help resolve disputes about suspected abuse or negligence. The Illinois Department of Public Health receives nearly 19,000 calls annually and responds to over 5,000 complaints. During the first quarter of 2014, the Department of Public Health reported licensure violations for 77 facilities.

The main provisions of Madigan's proposal would:

- Allow for audio and video electronic monitoring devices;
- Require resident and roommate consent;
- Make nursing home residents or their representatives responsible for the purchase, installation and maintenance expenses of the devices;
- Prohibit facility retaliation for use of devices;
- Provide for recordings or tapes to be admissible into evidence in administrative, civil and criminal proceedings; and
- Provide misdemeanor and felony penalties for any person or entity that intentionally hampers, obstructs, tampers with, or destroys a recording or an electronic monitoring device.

If enacted, Illinois would become the sixth state to allow electronic monitoring devices to be installed in resident areas of nursing home facilities.

The Attorney General's legislative proposal is part of an ongoing effort to increase protections for Illinois nursing home residents. In 2005, Madigan worked to shut down south suburban Emerald Park Nursing Home when it was found to be housing numerous sex offenders and other felons. Madigan subsequently helped draft and pass a law to require background checks and criminal history analysis for nursing home residents in order to identify individuals who might pose a threat to others residents. In 2010, Madigan launched "Operation Guardian," which coordinated teams of state and local agencies to conduct unannounced compliance checks at nursing home facilities to review safety concerns after receiving recurrent reports of unreported fugitives creating dangerous conditions for other nursing home residents.

Madigan also authored the Resident's Right to Know Act that requires nursing homes to complete an annual report detailing the facility's standard of care, service and security issues to provide better information to residents and their families. In 2013, Madigan helped pass a law that established review teams of medical professionals, service providers and law enforcement agencies to evaluate suspicious deaths of at-risk elderly or people with disabilities living in private Illinois residences. Madigan's office worked with the bill sponsors and the Department on Aging to craft provisions directing the Department on Aging to establish a Fatality Review Team Advisory Council and regional interagency fatality review teams. These multi-disciplinary teams of professionals have the authority to evaluate suspicious deaths of adults resulting from alleged instances of abuse or neglect

-30-

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