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## ATTORNEY GENERAL'S BILL TO ALLOW VIDEO, AUDIO MONITORING IN NURSING HOMES BECOMES LAW

**Chicago** — Attorney General Lisa Madigan today announced that her proposal to help ensure the safety and well-being of nursing home residents was signed into law. House Bill 2462, sponsored by Rep. Greg Harris (D-Chicago) and Sen. Terry Link (D-Waukegan), was passed by the General Assembly with overwhelming support and allows residents and their families to place video or audio monitoring devices in resident rooms.

"Deciding to place a loved one into a nursing facility is extremely difficult, and as Baby Boomers age, more families will be faced with that decision," said Madigan. "This law makes Illinois one of the first states in the nation to give families peace of mind by allowing them to monitor their loved one's care when they cannot be present."

This legislation stemmed from complaints Madigan's office received from nursing home residents and families who are concerned for their relatives' care and security. The new law allows residents of nursing homes and rehabilitation facilities or their family members to purchase and install video or audio monitoring devices in their rooms.

"The vast majority of Illinois' nursing homes provide high-quality services to their residents, but this law allows commonly used modern technology add another layer of care," said Harris. "These recording devices will help families ensure that their loved ones are receiving respectful and compassionate care."

"This is a good, common-sense measure that will help protect nursing home residents and enable families to remain active in their loved ones' care," said Link. "I would like to thank the Attorney General for bringing this legislation forward, and I am pleased to see it become law."

In drafting this legislation, Madigan cited an increasing need for additional safety measures at Illinois nursing homes as the state's population continues to age. Currently, Illinois has more than 860 nursing home facilities with more than 76,000 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.

Madigan noted that video and audio monitoring can be used as an added tool to help resolve disputes about suspected abuse or negligence. The Illinois Department of Public Health (IDPH) receives more than 21,000 calls annually and responds to approximately 5,000 complaints, the majority of which involve long-term care facilities. In 2013, the IDPH found 106 allegations of abuse, neglect, or misappropriation of property against residents by facility staff to be valid. In addition, the video and audio monitoring allowed by this law can be helpful to nursing homes by alerting them to employees who may be involved in abusive or unacceptable behavior, and allowing them to take disciplinary measures.

The critical provisions of this new law will:

- Allow for audio and video electronic monitoring devices in resident rooms;
- 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 against residents for the use of the devices;
- Provide for recordings 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

With the enactment of HB 2462, Illinois becomes the fourth state to explicitly allow electronic monitoring devices to be installed in resident rooms in nursing home facilities. The new law goes into effect Jan. 1, 2016.

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