



## **SURVEILLANCE OF RESIDENTS** **by Ryan Anderson**

A burgeoning area in the long term care industry is the surveillance of residents within Residential Care Facilities for the Elderly and Skilled Nursing Facilities. Facilities place cameras in the hallways, patios, and other common areas, and it has become more prevalent for family members to place hidden cameras in their loved one's bedroom. In what appears to be an attempt to discourage these hidden cameras and to protect the residents within long term care facilities, many states have or are attempting to implement legislation to allow for video surveillance cameras to be placed in a resident's bedroom.

In California, Senator Tom Harman introduced Senate Bill 1400 earlier this year. This bill would authorize a Residential Care Facility for the elderly to use video surveillance in a resident's bedroom if the facility and the resident or the resident's authorized representative consented. This would include:

- The recordings becoming part of the resident's medical record; and
- Written and conformed consent being obtained from any individual entering the resident's bedroom.

Senate Bill 1400 was introduced earlier this year and was referred to the Committee on Human Services and the Committee on the Judiciary. While the 2011 – 2012 Legislative Calendar ended on August 31 without the passing of Senate Bill 1400, it is important to keep in mind when dealing with family members who request their loved one's room be recorded. The proposed bill can be used as a guide for long term care facilities in implementing a program for video surveillance when necessary.

Also, this is not an area of long term care that is likely to disappear anytime soon. So while Senate Bill 1400 was not passed in California during the most recent legislative session, the issue raised is likely to appear again the future.

---

About the author:

Ryan Anderson joined Wroten & Associates in 2012. He was admitted to the California State Bar and the U.S. District Court for the Central District of California in 2011. Mr. Anderson graduated from the University of California, Irvine with a degree in Environmental Analysis and Design and a minor degree in Urban Planning. He obtained his Juris Doctorate from Chapman University School of Law in Orange, California. While at Chapman, he received an emphasis certificate in Trial Advocacy and Environmental, Land Use, and Real Estate Law. Mr. Anderson was a member of the Mock Trial Honor Board and the Alternative Dispute Resolution Board, representing Chapman on the local and national competition level. After his first year at Chapman, Mr. Anderson clerked with the Orange County Public Defender's Juvenile Delinquency department. Between his second and third year, Mr. Anderson clerked at a civil litigation firm focusing in complex civil litigation and construction defect.

