

**House File 2470 - Introduced**

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**A BILL FOR**

1 An Act relating to the requirements for authorized electronic  
2 monitoring in nursing facilities, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.1, Code 2024, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6A. *“Electronic monitoring”* means the  
4 placement and use of an electronic monitoring device by  
5 a resident in the resident’s room in accordance with this  
6 chapter.

7 NEW SUBSECTION. 6B. *“Electronic monitoring device”* means a  
8 camera or other device that captures, records, or broadcasts  
9 audio, video, or both, that is placed in a resident’s room and  
10 is used to monitor the resident or activities in the room.

11 NEW SUBSECTION. 22A. *“Resident representative”* means one of  
12 the following in the order of priority listed, to the extent  
13 the person may reasonably be identified and located:

14 a. The attorney in fact designated to make treatment  
15 decisions for the resident in accordance with chapter 144B.

16 b. The guardian of the resident if one has been appointed  
17 pursuant to chapter 633.

18 c. The resident’s spouse.

19 d. An adult child of the resident or, if the resident has  
20 more than one adult child, a majority of the adult children who  
21 are reasonably available.

22 e. A parent of the resident, or parents if both are  
23 reasonably available.

24 f. An adult sibling of the resident.

25 Sec. 2. NEW SECTION. 135C.49 **Electronic monitoring.**

26 1. A resident or a resident representative may conduct  
27 electronic monitoring of the resident’s room through the use of  
28 an electronic monitoring device placed in the resident’s room  
29 pursuant to this subchapter.

30 2. Nothing in this section precludes the use of electronic  
31 monitoring otherwise allowed by law.

32 Sec. 3. NEW SECTION. 135C.50 **Consent to electronic  
33 monitoring.**

34 1. Except as otherwise provided in this subchapter,  
35 a resident must consent to electronic monitoring in the

1 resident's room in writing on a notification and consent  
2 form prescribed by the department. If the resident has  
3 not affirmatively objected to electronic monitoring and the  
4 resident's medical professional determines that the resident  
5 lacks the ability to understand and appreciate the nature  
6 and consequences of electronic monitoring, the resident  
7 representative may consent on behalf of the resident. For  
8 purposes of this subsection, a resident affirmatively objects  
9 when the resident orally, visually, or through the use of  
10 auxiliary aids or services declines electronic monitoring. The  
11 resident's response shall be documented on the notification and  
12 consent form.

13 2. Prior to a resident representative consenting on behalf  
14 of a resident, the resident shall be asked if the resident  
15 wants electronic monitoring to be conducted. The resident  
16 representative shall explain all of the following to the  
17 resident:

18 a. The type of electronic monitoring device to be used.

19 b. The standard conditions or restrictions that may be  
20 placed on the electronic monitoring device's use including as  
21 specified in the list of standard conditions or restrictions  
22 contained in the notification and consent form completed by the  
23 resident as provided in section 135C.53.

24 c. The dissemination and use as evidence of any recording as  
25 provided under section 135C.57 or 135C.58.

26 d. The resident's ability to decline all recordings.

27 3. A resident, or resident representative when consenting  
28 on behalf of the resident, may consent to electronic monitoring  
29 with any conditions or restrictions of the resident's or  
30 resident representative's choosing, including the list  
31 of standard conditions or restrictions contained in the  
32 notification and consent form completed by the resident  
33 as provided in section 135C.53. A resident, or resident  
34 representative when consenting on behalf of the resident, may  
35 request that the electronic monitoring device be turned off

1 or the visual or audio recording component of the electronic  
2 monitoring device be blocked at any time.

3 4. Prior to implementing electronic monitoring, a resident,  
4 or resident representative when acting on behalf of the  
5 resident, shall obtain the written consent on the notification  
6 and consent form of any other resident who is a roommate  
7 residing in the shared room. A roommate's or roommate's  
8 resident representative's written consent shall comply with  
9 the requirements of this section. Consent by a roommate or  
10 a roommate's resident representative under this subsection  
11 authorizes the resident's use of any recording obtained under  
12 this section as provided under sections 135C.57 and 135C.58.

13 5. Any resident conducting electronic monitoring shall  
14 immediately remove or disable an electronic monitoring device  
15 prior to a new resident who will be a roommate moving into  
16 a shared room, unless the resident conducting electronic  
17 monitoring obtains the new roommate's or new roommate's  
18 resident representative's written consent as provided under  
19 this section prior to the new roommate moving into the shared  
20 room. Upon obtaining the new roommate's or new roommate's  
21 resident representative's signed notification and consent form  
22 and submitting the form to the nursing facility as required  
23 under section 135C.52, the resident may resume electronic  
24 monitoring.

25 6. The resident or roommate, or the resident representative  
26 or roommate's resident representative if the representative is  
27 consenting on behalf of the resident or roommate, may withdraw  
28 consent at any time and the withdrawal of consent shall be  
29 documented on the original consent form as provided under  
30 section 135C.52.

31 Sec. 4. NEW SECTION. 135C.51 Refusal of roommate to  
32 consent.

33 If a resident of a nursing facility who is residing in a  
34 shared room, or the resident representative of such a resident  
35 when acting on behalf of the resident, wants to conduct

1 electronic monitoring and another resident living in or moving  
2 into the same shared room refuses to consent to the use of an  
3 electronic monitoring device, the nursing facility shall make  
4 a reasonable attempt to accommodate the resident who wants to  
5 conduct electronic monitoring. A nursing facility has met  
6 the requirement to make a reasonable attempt to accommodate  
7 a resident or resident representative who wants to conduct  
8 electronic monitoring when, upon notification that a roommate  
9 has not consented to the use of an electronic monitoring device  
10 in the resident's room, the nursing facility offers to move one  
11 of the residents to another shared room that is available at  
12 the time of the request that accommodates the resident. If  
13 a resident chooses to reside in a private room in order to  
14 accommodate the use of an electronic monitoring device, the  
15 resident shall be subject to a private room rate. If a nursing  
16 facility is unable to accommodate a resident due to lack of  
17 space, the nursing facility shall reevaluate the request  
18 periodically until the request is fulfilled.

19 **Sec. 5. NEW SECTION. 135C.52 Notice and consent form**  
20 **submitted to nursing facility.**

21 1. Electronic monitoring may begin only after the resident  
22 or resident representative who intends to place an electronic  
23 monitoring device in the resident's room and any roommate or  
24 roommate's resident representative completes a notification and  
25 consent form and submits the form to the nursing facility.

26 2. Upon receipt of the required, completed notification and  
27 consent form, the nursing facility shall place the original  
28 form in the resident's file, and a copy of the form in any  
29 roommate's file. The nursing facility shall provide a copy to  
30 the resident and the resident's roommate, as applicable.

31 3. If a resident or roommate, or the resident representative  
32 or roommate's resident representative if the representative  
33 is consenting on behalf of the resident or roommate, chooses  
34 to alter the conditions under which consent to electronic  
35 monitoring is given or chooses to withdraw consent to

1 electronic monitoring, the nursing facility shall make  
2 available the original notification and consent form so that  
3 the original form may be updated. Upon receipt of the updated  
4 original form, the nursing facility shall place the updated  
5 original form in the resident's file. The nursing facility  
6 shall provide a copy of the updated form to the resident and  
7 the resident's roommate, as applicable.

8 4. If a new roommate, or the new roommate's resident  
9 representative when consenting on behalf of the new roommate,  
10 does not consent to electronic monitoring and submit a  
11 completed notification and consent form to the nursing  
12 facility, and the resident conducting the electronic monitoring  
13 does not remove or disable an existing electronic monitoring  
14 device, the nursing facility shall remove the electronic  
15 monitoring device.

16 5. If a roommate, or the roommate's resident representative  
17 when withdrawing consent on behalf of the roommate, submits  
18 an updated notification and consent form withdrawing consent  
19 and the resident conducting electronic monitoring does not  
20 remove or disable the electronic monitoring device, the nursing  
21 facility shall remove the electronic monitoring device.

22 **Sec. 6. NEW SECTION. 135C.53 Notification and consent form**  
23 **requirements.**

24 1. The notification and consent form completed by the  
25 resident shall include, at a minimum, all of the following  
26 information:

27 a. The resident's signed consent to electronic monitoring or  
28 the signature of the resident representative, if applicable.

29 If a resident representative signs the consent form, the form  
30 shall document all of the following:

31 (1) The date the resident was asked if the resident wants  
32 electronic monitoring to be conducted.

33 (2) Any person present when the resident was asked.

34 (3) An acknowledgment that the resident did not  
35 affirmatively object.

1 (4) The source of authority allowing the resident  
2 representative to sign the notification and consent form on the  
3 resident's behalf.

4 *b.* The resident's roommate's signed consent or the signature  
5 of the roommate's resident representative, if applicable. If a  
6 roommate's resident representative signs the consent form, the  
7 form shall document all of the following:

8 (1) The date the roommate was asked if the roommate wants  
9 electronic monitoring to be conducted.

10 (2) Any person present when the roommate was asked.

11 (3) An acknowledgment that the roommate did not  
12 affirmatively object.

13 (4) The source of authority allowing the resident  
14 representative to sign the notification and consent form on the  
15 roommate's behalf.

16 *c.* The type of electronic monitoring device to be used.

17 *d.* Any installation needs, such as mounting of a device to  
18 a wall or ceiling.

19 *e.* The proposed date of installation for scheduling  
20 purposes.

21 *f.* A copy of any contract for maintenance of the electronic  
22 monitoring device by a commercial entity.

23 *g.* A list of standard conditions or restrictions that the  
24 resident or a roommate may elect to place on the use of the  
25 electronic monitoring device including but not limited to all  
26 of the following:

27 (1) Prohibiting audio recording.

28 (2) Prohibiting video recording.

29 (3) Prohibiting broadcasting of audio or video.

30 (4) Turning off the electronic monitoring device or  
31 blocking the visual recording component of the electronic  
32 monitoring device for the duration of an exam or procedure by a  
33 health care professional.

34 (5) Turning off the electronic monitoring device or  
35 blocking the visual recording component of the electronic

1 monitoring device while dressing or bathing is performed.

2 (6) Turning off the electronic monitoring device for  
3 the duration of a visit with a spiritual adviser, ombudsman,  
4 attorney, financial planner, intimate partner, or other  
5 visitor.

6 *h.* Any other condition or restriction elected by the  
7 resident or roommate on the use of an electronic monitoring  
8 device.

9 *i.* A statement of the circumstances under which a recording  
10 may be disseminated under section 135C.57.

11 *j.* A signature box to document if the resident or roommate  
12 withdraws consent.

13 2. A nursing facility shall make the notification and  
14 consent form available to the residents and inform residents of  
15 the option to conduct electronic monitoring of the resident's  
16 room.

17 Sec. 7. NEW SECTION. 135C.54 Cost and installation.

18 1. A resident who chooses to conduct electronic monitoring  
19 shall do so at the resident's own expense, including payment of  
20 any purchase, installation, maintenance, and removal costs.

21 2. If a resident chooses to place an electronic monitoring  
22 device that uses internet technology for visual or audio  
23 monitoring, the resident may be responsible for contracting  
24 with an internet service provider.

25 3. The nursing facility shall make a reasonable attempt  
26 to accommodate the resident's installation needs, including  
27 allowing access to the nursing facility's public-use internet  
28 or wi-fi systems when available for other public uses.

29 4. All electronic monitoring device installations and  
30 supporting services shall comply with the requirements of the  
31 national fire protection association 101 life safety code.

32 5. A nursing facility shall not charge a resident a fee  
33 for the costs of electricity used by the electronic monitoring  
34 device.

35 Sec. 8. NEW SECTION. 135C.55 Notice to visitors.



1 1. A nursing facility shall post a sign at each nursing  
2 facility entrance accessible to visitors that states  
3 "Electronic monitoring devices may be present in the rooms of  
4 residents to record persons and activities".

5 2. A nursing facility shall post a sign clearly and  
6 conspicuously at the entrance to a resident's room where  
7 electronic monitoring is being conducted. The notice shall  
8 state "This room is electronically monitored".

9 3. The nursing facility is responsible for installing and  
10 maintaining the signage required in this section.

11 Sec. 9. NEW SECTION. 135C.56 **Obstruction of electronic**  
12 **monitoring devices.**

13 1. A person shall not knowingly hamper, obstruct, tamper  
14 with, or destroy an electronic monitoring device placed in  
15 a resident's room without the permission of the resident or  
16 resident representative.

17 2. A person shall not knowingly hamper, obstruct, tamper  
18 with, or destroy a video or audio recording obtained through  
19 the use of an electronic monitoring device in accordance with  
20 this subchapter.

21 3. It is not a violation of this section for a person to  
22 turn off the electronic monitoring device or block the visual  
23 recording component of the electronic monitoring device at the  
24 direction of the resident or resident representative, or if  
25 consent has been withdrawn.

26 4. A person who violates this section is guilty of a serious  
27 misdemeanor.

28 Sec. 10. NEW SECTION. 135C.57 **Dissemination of recordings.**

29 1. A person shall not access any video or audio recording  
30 created through electronic monitoring under this subchapter  
31 without the written consent of the resident or resident  
32 representative.

33 2. Except as otherwise required by law, a recording or copy  
34 of a recording created as provided in this subchapter may only  
35 be disseminated for the purpose of addressing health, safety,

1 or welfare concerns of a resident.

2 3. A person accessing or disseminating a recording or copy  
3 of a recording created as provided in this section in violation  
4 of this section is guilty of a serious misdemeanor.

5 Sec. 11. NEW SECTION. 135C.58 **Admissibility of evidence.**

6 Subject to applicable rules of evidence and procedure, any  
7 video or audio recording created through electronic monitoring  
8 under this subchapter may be admitted into evidence in a civil,  
9 criminal, or administrative proceeding if the contents of the  
10 recording have not been edited or artificially enhanced and the  
11 recording includes the date and time the events occurred.

12 Sec. 12. NEW SECTION. 135C.59 **Liability — penalties.**

13 1. A nursing facility is not civilly or criminally liable  
14 for the disclosure of a recording by a resident or a person who  
15 consents on behalf of a resident for any purpose not authorized  
16 by this subchapter.

17 2. A nursing facility is not civilly or criminally liable  
18 for a violation of a resident's right to privacy arising out  
19 of any electronic monitoring conducted in accordance and in  
20 compliance with this subchapter.

21 3. A nursing facility that knowingly violates this  
22 subchapter shall be subject to licensee discipline.

23 Sec. 13. NEW SECTION. 135C.60 **Resident protections.**

24 1. A nursing facility shall not do any of the following:

25 a. Refuse to admit a potential resident or remove a resident  
26 because the nursing facility disagrees with the potential  
27 resident's or the resident's decisions regarding electronic  
28 monitoring, whether the decision is made by a resident or a  
29 resident representative acting on behalf of the resident.

30 b. Retaliate or discriminate against any resident for  
31 consenting or refusing to consent to electronic monitoring.

32 c. Prevent the placement or use of an electronic monitoring  
33 device by a resident who has provided the nursing facility  
34 with the notification and consent form as required under this  
35 subchapter.

1 2. Any contractual provision prohibiting, limiting,  
2 or otherwise modifying the rights and obligations in this  
3 subchapter is contrary to public policy and is void and  
4 unenforceable.

5 Sec. 14. NEW SECTION. 135C.61 Report to department.

6 A nursing facility shall report to the department, in a  
7 manner prescribed by the department, the number of electronic  
8 monitoring device notification and consent forms received by  
9 the nursing facility on an annual basis.

10 Sec. 15. DIRECTIVE TO DEPARTMENT OF INSPECTIONS, APPEALS,  
11 AND LICENSING. The department of inspections, appeals, and  
12 licensing shall prescribe by rule pursuant to chapter 17A the  
13 notification and consent form described in this Act, and shall  
14 make the form available on the department's internet site.

15 Sec. 16. CODE EDITOR DIRECTIVE. The Code editor may codify  
16 the provisions of this Act as a new subchapter of chapter 135C  
17 entitled "Electronic Monitoring".

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 This bill provides for authorized electronic monitoring in  
22 nursing facilities.

23 The bill provides that a nursing facility resident or a  
24 resident representative may conduct electronic monitoring  
25 of the resident's room through the use of electronic  
26 monitoring devices placed in the resident's room pursuant  
27 to the bill. The bill specifies the consents that must be  
28 obtained for a resident to conduct electronic monitoring  
29 in the resident's room, including from any roommate; the  
30 process to be followed if a roommate refuses to consent; the  
31 submission of the notice and consent form to the nursing  
32 facility; the notification and consent form requirements; the  
33 responsibility for the cost and installation relating to the  
34 electronic monitoring; requirements for notice to visitors;  
35 penalties for obstruction of electronic monitoring devices;

1 the dissemination of recordings created through electronic  
2 monitoring; the admissibility of evidence created through  
3 electronic monitoring; liability and penalties for violations  
4 of the bill; resident protections; and reporting requirements.  
5 The bill also directs the department of inspections, appeals,  
6 and licensing to prescribe the notification and consent form  
7 described in the bill and to make the form available on the  
8 department's internet site.