

**Senate File 537 - Introduced**

SENATE FILE 537  
BY CELSI

**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:

unofficial

1 Section 1. NEW SECTION. **135C.49 Definitions.**

2 As used in this subchapter, unless the context otherwise  
3 requires:

4 1. "*Electronic monitoring*" means the placement and use of  
5 an electronic monitoring device by a resident or resident  
6 representative in the resident's room in accordance with this  
7 subchapter.

8 2. "*Electronic monitoring device*" means a video camera that  
9 livestream broadcasts video only that is placed in a resident's  
10 room and is used to monitor the resident or activities in  
11 the room. "*Electronic monitoring device*" does not include  
12 video phone calls or video conferencing where a resident either  
13 initiates or joins a call or conference.

14 3. "*Resident*" means an individual admitted to a nursing  
15 facility in a manner prescribed in section 135C.23.

16 4. "*Resident representative*" means one of the following in  
17 the order of priority listed, to the extent the person may  
18 reasonably be identified and located:

19 a. The guardian of the resident if one has been appointed  
20 pursuant to chapter 633.

21 b. The attorney in fact designated to make treatment  
22 decisions for the resident in accordance with chapter 144B.

23 Sec. 2. NEW SECTION. **135C.50 Electronic monitoring.**

24 1. A resident, or a resident representative when acting on  
25 behalf of a resident, may conduct electronic monitoring of the  
26 resident's room through the use of an electronic monitoring  
27 device placed in the resident's room pursuant to this subchapter.

28 2. A nursing facility or resident of the nursing facility  
29 shall not engage in electronic monitoring or the use of  
30 electronic monitoring devices in a resident's room without the  
31 written consent of the resident or resident representative when  
32 consenting on behalf of a resident.

33 3. Nothing in this section precludes the use of electronic  
34 monitoring otherwise allowed by law.

35 Sec. 3. NEW SECTION. **135C.51 Consent to electronic**

**1 monitoring.**

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

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

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

21 b. The standard conditions or restrictions that may be placed  
22 on the electronic monitoring device's use including as specified  
23 in the list of standard conditions or restrictions contained in  
24 the notification and consent form completed by the resident as  
25 provided in section 135C.55.

26 c. The resident's ability to decline all electronic  
27 monitoring.

28 3. A resident, or resident representative when consenting on  
29 behalf of the resident, shall consent to electronic monitoring  
30 with the standard conditions or restrictions contained in the  
31 notification and consent form completed by the resident as  
32 provided in section 135C.55.

33 4. A nursing facility employee may be present to witness the  
34 completion of the written notification and consent form and to  
35 answer any questions relating to conducting electronic monitoring

1 in a resident's room.

2 Sec. 4. NEW SECTION. **135C.52 Consent to electronic**  
3 **monitoring — shared room.**

4 1. If a resident resides in a shared room, all of the  
5 following shall apply:

6 a. The resident, or resident representative, as applicable,  
7 shall request and obtain the written consent on the notification  
8 and consent form of any existing roommate residing in the shared  
9 room, prior to initiating electronic monitoring in the resident's  
10 room.

11 b. The resident, or resident representative, as applicable,  
12 who is currently conducting electronic monitoring in the  
13 resident's room, shall immediately remove or disable an  
14 electronic monitoring device prior to a new roommate moving into  
15 a shared room, and shall not resume electronic monitoring unless  
16 the resident or resident representative requests and obtains  
17 written consent on the notification and consent form, of the new  
18 roommate or the new roommate's resident representative.

19 2. a. An existing or new roommate, or the roommate's  
20 resident representative, as applicable, shall have thirty  
21 calendar days from receipt of the request for consent to  
22 electronic monitoring to complete the notification and consent  
23 form.

24 b. Failure of an existing or new roommate, or the roommate's  
25 resident representative, to complete the notification and  
26 consent form within the thirty-calendar-day period, shall be  
27 considered an affirmative objection to the initiating or  
28 resuming of electronic monitoring, and the resident or resident's  
29 representative shall not initiate or resume electronic monitoring  
30 in the resident's room.

31 3. After obtaining an existing or new roommate's, or the  
32 roommate's resident representative's signed notification and  
33 consent form and submitting the form to the nursing facility  
34 as required under section 135C.54, the resident or resident  
35 representative may initiate or resume electronic monitoring

1 of the resident's room only after the expiration of a  
2 thirty-calendar-day waiting period commencing on the date the  
3 signed notification and consent form is submitted to the nursing  
4 facility.

5 4. The resident, the existing or new roommate, the  
6 resident's resident representative, or the roommate's resident  
7 representative, as applicable, may withdraw consent to electronic  
8 monitoring at any time and the withdrawal of consent shall be  
9 documented on the original notification and consent form.

10 Sec. 5. NEW SECTION. **135C.53 Refusal of roommate to consent**  
11 **— accommodations.**

12 1. If a resident is residing in a shared room, and the  
13 resident or resident representative, when acting on behalf of  
14 the resident, wants to initiate or resume electronic monitoring  
15 but an existing or new roommate refuses to consent to the  
16 electronic monitoring as required under section 135C.52, the  
17 nursing facility shall make a reasonable attempt to accommodate  
18 the resident or resident representative who wants to conduct  
19 electronic monitoring.

20 2. A nursing facility has met the requirement to make  
21 a reasonable attempt to accommodate a resident or resident  
22 representative who wants to initiate or resume electronic  
23 monitoring under subsection 1 when, upon notification of the  
24 nursing facility by a resident or resident representative that  
25 an existing or new roommate has refused to consent to electronic  
26 monitoring in the shared room, the nursing facility offers to  
27 move the resident or roommate to another shared room that is  
28 available at the time of the request that accommodates the  
29 resident or roommate.

30 3. If a resident chooses to reside in a private room in order  
31 to accommodate the use of an electronic monitoring device, the  
32 resident shall be subject to the private room rate.

33 4. If a nursing facility is unable to accommodate a  
34 resident's request to conduct electronic monitoring under this  
35 section, the nursing facility shall reevaluate the request

1 periodically until the request is fulfilled.

2 Sec. 6. NEW SECTION. **135C.54 Notice and consent form**  
3 **submitted to nursing facility.**

4 1. Electronic monitoring of a resident's room may be  
5 conducted only after all of the following conditions are met:

6 a. (1) If the resident resides in a private room, the  
7 resident, or the resident representative when acting on behalf  
8 of the resident, completes a notification and consent form and  
9 submits the signed and completed form to the nursing facility.

10 (2) If the resident resides in a shared room, the resident  
11 or the resident representative when acting on behalf of  
12 the resident, and any roommate or the roommate's resident  
13 representative, completes notification and consent forms and  
14 submit the signed and completed forms to the nursing facility.

15 b. Any required waiting period prior to the initiating or  
16 resuming of electronic monitoring has expired.

17 2. Upon receipt of any required, completed notification and  
18 consent form, the nursing facility shall place a copy of the  
19 form in the resident's file and a copy of the form in any  
20 roommate's file. The nursing facility shall provide a copy  
21 of any notification and consent form received to the resident  
22 and the resident's roommate, or to the resident's resident  
23 representative or the roommate's resident representative, as  
24 applicable.

25 3. If a 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, chooses to  
28 withdraw consent to electronic monitoring, the nursing facility  
29 shall make available the original notification and consent form  
30 so that the original form may be updated. Upon receipt of the  
31 updated original form, the nursing facility shall place a copy of  
32 the updated form in the resident's file. The nursing facility  
33 shall provide a copy of the updated form to the resident and  
34 the resident's roommate or to the resident representative or  
35 roommate's resident representative, as applicable.

1 4. If a new roommate, or the new roommate's resident  
2 representative when consenting on behalf of the new roommate,  
3 does not consent to electronic monitoring and submit a completed  
4 notification and consent form to the nursing facility, and the  
5 resident or resident representative conducting the electronic  
6 monitoring does not remove or disable an existing electronic  
7 monitoring device, the nursing facility shall provide the  
8 resident or the resident representative, as applicable, a  
9 twenty-four-hour notice to remove or disable the electronic  
10 monitoring device. If the device is not removed or disabled  
11 within twenty-four hours of notification to the resident or  
12 resident representative, the nursing facility may disable or  
13 remove the electronic monitoring device.

14 5. If an existing roommate, or the existing roommate's  
15 resident representative when withdrawing consent on behalf of  
16 the existing roommate, submits an updated notification and  
17 consent form withdrawing consent and the resident or resident  
18 representative conducting electronic monitoring does not remove  
19 or disable the electronic monitoring device, the nursing  
20 facility shall provide the resident or resident representative  
21 a twenty-four-hour notice to remove or disable the electronic  
22 monitoring device. If the device is not removed or disabled  
23 within twenty-four hours of notification to the resident or  
24 resident representative, the nursing facility may disable or  
25 remove the electronic monitoring device.

26 Sec. 7. NEW SECTION. **135C.55 Notification and consent form**  
27 **requirements.**

28 1. The notification and consent form completed by the  
29 resident shall include, at a minimum, all of the following  
30 information:

31 a. The resident's signed consent to electronic monitoring or  
32 the signature of the resident representative, if applicable.  
33 If a resident representative signs the notification and consent  
34 form, the form shall document all of the following:

35 (1) The date the resident was asked if the resident wants

1 electronic monitoring to be conducted.

2 (2) The name of any person present when the resident was  
3 asked.

4 (3) An acknowledgment that the resident did not affirmatively  
5 object.

6 (4) The source of authority allowing the resident  
7 representative to sign the notification and consent form on the  
8 resident's behalf, including any court order, as applicable.

9 b. The resident's roommate's signed consent or the signature  
10 of the roommate's resident representative, if applicable. If  
11 a roommate's resident representative signs the notification and  
12 consent form, the form shall document all of the following:

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

15 (2) The name of any person present when the roommate was  
16 asked.

17 (3) An acknowledgment that the roommate did not affirmatively  
18 object.

19 (4) The source of authority allowing the resident  
20 representative to sign the notification and consent form on the  
21 roommate's behalf, including any court order, as applicable.

22 c. The type of electronic monitoring device to be used.

23 d. Any installation needs, such as mounting a device to a  
24 wall or ceiling, and the costs associated with installation and  
25 use, which are to be paid by the resident or the resident  
26 representative, and the resident's liability for potential damage  
27 and repairs due to installation.

28 e. Fourteen days' notice of the proposed date of installation  
29 for scheduling purposes.

30 f. A copy of any contract for maintenance of the electronic  
31 monitoring device by a commercial entity.

32 g. A list of standard conditions or restrictions for the use  
33 of the electronic monitoring device including but not limited to  
34 all of the following:

35 (1) Prohibiting audio recording.

1 (2) Prohibiting video recording.

2 (3) Turning off the electronic monitoring device or blocking  
3 the lens of the electronic monitoring device for the duration of  
4 an exam or procedure by a health care professional.

5 (4) Turning off the electronic monitoring device or blocking  
6 the lens of the electronic monitoring device while dressing or  
7 bathing is performed.

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

11 (6) Prohibiting drop-in video access.

12 (7) Requiring visual verification when the electronic  
13 monitoring device is in use.

14 (8) Requiring conspicuously visible placement of the  
15 electronic monitoring device inside the resident's room.

16 (9) Prohibiting the electronic monitoring device from being  
17 placed outside the resident's living quarters.

18 h. A signature box to document if the resident or roommate  
19 withdraws consent.

20 2. A nursing facility shall make the notification and consent  
21 form available to residents and inform residents of the option to  
22 conduct electronic monitoring of the resident's room.

23 Sec. 8. NEW SECTION. **135C.56 Cost and installation.**

24 1. A resident who chooses to conduct electronic monitoring  
25 shall do so at the resident's own expense, including payment of  
26 any purchase, installation, maintenance, removal costs, and costs  
27 for returning the resident's room to preinstallation condition.

28 2. If a resident chooses to place an electronic monitoring  
29 device that uses internet technology for visual monitoring, the  
30 resident shall be responsible for contracting with an internet  
31 service provider.

32 3. The nursing facility shall make a reasonable attempt to  
33 accommodate the resident's installation needs.

34 4. All electronic monitoring device installations and  
35 supporting services shall comply with all applicable building

1 codes.

2 5. A nursing facility shall not charge a resident a fee  
3 for the costs of electricity used by the electronic monitoring  
4 device.

5 Sec. 9. NEW SECTION. **135C.57 Notice to visitors.**

6 1. If electronic monitoring is being conducted, a nursing  
7 facility shall post a sign at each nursing facility entrance  
8 accessible to visitors that states "Electronic monitoring devices  
9 may be present in the rooms of residents to observe persons and  
10 activities".

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

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

17 Sec. 10. NEW SECTION. **135C.58 Obstruction of electronic  
18 monitoring devices.**

19 A person shall not knowingly hamper, obstruct, tamper with, or  
20 destroy an electronic monitoring device placed in a resident's  
21 room without the permission of the resident or resident  
22 representative, as applicable.

23 Sec. 11. NEW SECTION. **135C.59 Immunity from liability —  
24 licensee discipline — inadmissibility of recordings.**

25 1. A nursing facility is not civilly or criminally liable for  
26 the disclosure of an unlawful recording captured by an electronic  
27 monitoring device.

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

32 3. The resident and resident representative, as applicable,  
33 are responsible for complying with local, state, and federal  
34 privacy laws and for firewall protections to prevent images that  
35 may violate obscenity laws from being inadvertently shown on the

1 internet via the electronic monitoring device.

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

4 5. If a resident fails to comply with the nursing facility  
5 policies and residency agreement relating to the use of an  
6 electronic monitoring device, nursing facility staff may report  
7 the failure to the office of long-term care ombudsman and law  
8 enforcement, as applicable. Continued failure by a resident  
9 to comply with such nursing facility policies and residency  
10 agreement may constitute grounds for termination of a resident's  
11 residency agreement.

12 Sec. 12. NEW SECTION. **135C.60 Resident protections.**

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

14 a. Refuse to admit a potential resident or remove a resident  
15 because the nursing facility disagrees with the potential  
16 resident's or the resident's decisions regarding electronic  
17 monitoring, whether the decision is made by a resident or a  
18 resident representative acting on behalf of the resident.

19 b. Retaliate or discriminate against any resident for  
20 consenting or refusing to consent to electronic monitoring.

21 c. Prevent the placement or use of an electronic monitoring  
22 device by a resident who has provided the nursing facility  
23 with any notification and consent form as required under this  
24 subchapter.

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

28 Sec. 13. NEW SECTION. **135C.61 Report to the department.**

29 A nursing facility shall report to the department, during  
30 the nursing facility's recertification survey, the number of  
31 electronic monitoring device notification and consent forms  
32 received by the nursing facility.

33 Sec. 14. Section 633.635, subsection 3, Code 2025, is amended  
34 by adding the following new paragraph:

35 NEW PARAGRAPH. d. Consenting to electronic monitoring

