

**NEWS RELEASE** | **FOR IMMEDIATE RELEASE** | April 23, 2019

**Agency shares information about changes to long-term care residents' rights law that address authorized electronic monitoring and privacy**

BISMARCK, N.D. – In our modern society, cameras and other electronic monitoring equipment are used widely in homes, businesses and public spaces.

North Dakota has become the latest state to add safeguards to its long-term care resident rights law to address privacy, consent and electronic monitoring in long-term care facilities. These rights extend to residents of nursing homes, basic care and assisted living facilities and swing-bed facilities.

Senate Bill 2113 was introduced by the North Dakota Department of Human Services after the State Long-Term Care Ombudsman Program received multiple contacts from facility residents, families and facility staff members with questions about electronic monitoring issues.

“Electronic monitoring has been happening without clear guidelines on the rights and responsibilities of facility residents, their families and long-term care facilities,” explained State Long-Term Care Ombudsman Karla Backman.

“State law now clarifies that residents and their legally authorized representatives can choose to place and use authorized electronic monitoring devices in their rooms but must give facilities written notice. And importantly, roommate authorization is required and can be withdrawn at any time,” Backman said.

The law says electronic monitoring devices must be placed in a fixed, stationary position to monitor only the area occupied by the resident requesting the monitoring in a way that protects privacy and dignity. Signage must also be provided to assure facility employees, visitors and others are aware of the electronic monitoring.

The law also directs residents and their legal representatives to work with facilities to assure appropriate installation, and it clarifies that facilities are not responsible for costs associated with the electronic monitoring and addresses liability concerns.

In addition, a long-term care facility cannot discharge or refuse to admit a resident based on his or her choice to use electronic monitoring.

The bill is online on the Legislative Branch’s website at [www.legis.nd.gov/assembly/66-2019/documents/19-8094-04000.pdf](http://www.legis.nd.gov/assembly/66-2019/documents/19-8094-04000.pdf).

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In the coming months, the Long-Term Care Ombudsman Program will be developing resident and roommate authorization forms and administrative rules with stakeholder input.

Long-term care facility residents, residents' guardians, individuals designated as residents' power of attorney for health care, facility staff and others with questions are encouraged to contact the Long-Term Care Ombudsman Program at [dhsagingombud@nd.gov](mailto:dhsagingombud@nd.gov) or by calling toll-free 855-462-5465, selecting option 3, and asking for the Long-Term Care Ombudsman Program.

The Office of the State Long-Term Care Ombudsman is a programmatically independent advocacy service located within the North Dakota Department of Human Services' Aging Services Division. The program receives, investigates and works to resolve concerns affecting long-term care residents, and advocates for residents' health, safety and rights. Program information is online at [www.nd.gov/dhs/services/adultsaging/ombudsman.html](http://www.nd.gov/dhs/services/adultsaging/ombudsman.html).

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