

Authorized Electronic Monitoring Guide for Teams

Delaware County Board of Developmental Disabilities

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Reviewing Department: Service and Support Administration/Melinda Draper

Since early in 1999, video monitoring has been used to assist or reduce the need for direct care assistance residentially as well as for security reasons. Various systems have been utilized including cameras that record to a secure tape or website or hand held monitoring units to supervise more than one site. These systems may be used for staff training, emergency situations, when staff needs direction to respond to a specific situation, or to review reported incidents or to assess medical conditions. The use of such systems has raised issues of privacy and individual rights. Access for review should be restricted to key persons within the individual's team and the purpose specified within the Individual Support Plan.

The Board's interest in this issue is both general and specific. In general, the Board is responsible to protect the rights and privacy of individuals with disabilities as well as to insure each person's health and safety. These roles can, at times, appear to be in conflict. The use of any monitoring system, including direct staff supervision, should only be used when the benefits for the person's health and safety outweigh the person's right to privacy. Such monitoring should be tailored to individual needs and preferences when appropriate. Where such monitoring is viewed to be intrusive, informed consent should be received from the individual or legal representative, or when consent cannot be given, the Human Rights Committee should approve a written plan.

As a matter of policy, electronic monitoring and other technologies can and should be considered as a tool to insure the health and safety of the people we serve and to improve the quality and efficiency of services. The Delaware County Board of Developmental Disabilities (DCBDD) shall have access to review any and all monitoring systems consented to and established for the benefit of the individuals being supported. Monitoring systems are for the individual's benefit and not to be viewed as property by the residence or selected provider. Provider's right to access the system is dependent upon individual agreement and/or DCBDD approval. These benefits must be balanced against the individual's right to privacy and requires the following safeguards:

1. Prior to selecting and implementing a monitoring system, the request must be presented to the Director of Information Systems with DCBDD for technical consult and coordination with the monitoring system vendor.
2. The Director of I.S. and the vendor should meet with the assigned Support Administrator and possibly other representatives from the individual's team to review the best options for the intended purpose. An on site visit by the vendor is also recommended for optimal success.
3. Where an individual has an intercom system, the individual, their family and guests, will be trained on how to use the system and its benefits to the resident. The system must allow the resident to shut the system off from their room to permit them privacy.
4. When a system will be used to monitor a individual beyond their control to shut the system off, then the following must occur:
 - a) Written plan outlining need for monitoring based upon health and safety needs of the individual.
 - b) The plan does not intrude on the privacy of other individuals.

- c) The plan must indicate where the monitoring devices will be placed (audio, cameras), the type of system used, how it will be used and maintained, and a review process for continued use.
- d) The plan includes informed consent of the individual &/or legal representative. If the individual is not able to provide informed consent, the Human Rights Committee must approve the plan.
- e) The ISP includes who is able to review tapes and how often.

The rights to privacy outlined here do not automatically extend to staff. Monitoring of staff in the performance of their duties is a reasonable condition of employment. However, except when there is suspected abuse, neglect or other criminal behavior, staff should be informed of the monitoring systems, their purpose and how they work.

"Authorized electronic monitoring" means the placement of an electronic monitoring device in the common areas a residence and making tapes or recordings with the device after making a request to the individuals or informed consent givers to allow electronic monitoring. This may also include live interaction and sensor equipment.

"Electronic monitoring device" includes video surveillance cameras installed in the common areas of a residence, audio devices, sensors and alarms installed in the room of a resident designed to acquire communications or other sounds occurring in the room or adjacent rooms. "Electronic monitoring device" does not include an electronic, mechanical, or other device that is specifically used for the nonconsensual interception of wire or electronic communications.

- What criteria must be met before the use of electronic monitoring devices can be used?
Reduce/avoid increase in staffing hours, decrease cost and address health and safety issues.
- Who monitors the information from the devices?
DCBDD representatives, Individuals, Guardians, those indicated on the release of information, law enforcement, ODMRDD and any other agency upheld by law will have access to the taped information.
- How often is the information from the device reviewed?
Indicate in the ISP
- What types of training will staff, clients and others need to have regarding the use of electronic monitoring devices?
The provider of the monitoring equipment must provide basic training and procedures.
- What protections are in place to assure people's privacy and dignity are not violated?
Informed consent.
- How will consent be obtained and where will it be maintained?
Minimum of 1 year as an attachment to the ISP.
- Can consent be revoked?
Yes, at any time.

- How often is the use of the device monitored or reviewed to be sure it is working effectively and the information gathered by the device is reviewed?
At least annually
- If used, should the devices be placed in bedrooms and bathrooms?
No video devices only are permitted in these private areas.
- If some individuals or guardians desire this monitoring and if others object, how can the differences be resolved?
Team process, CB policy is to visually monitor common areas of the residence.
- Are the policies unnecessarily restrictive?
No, these policies offer several choices and options regarding electronic monitoring.
- Can these be used to lower staffing ratios?
Yes, it must reduce or eliminate the need for additional staffing.
- How will we ensure persons with developmental disabilities are able to understand and use these devices properly?
Training, Assessment and Informed consent at least annually

Among financial considerations are:

1. Initial implementation
2. Rates of technological advancement versus obsolescence
3. Replacement and repair costs
4. Supportable strategic use levels
5. Equitable distribution of resources.

Agreement for use of Authorized Electronic Monitoring Systems

Name of Individuals using Monitoring System:

Name:		Name:	
Name:		Name:	
Address:			
Phone:		Provider Contact:	
Agency:		Phone:	

Location of monitoring devices (rooms)

Purpose/Need for Monitoring:

Description of monitoring system:

Description of how system will be used and maintained:

Access to monitoring systems will be provided to Law Enforcement, Judicial, Emergency Medical and DCBDD/ODMRDD personnel as necessary. Identify additional persons to have access to the system:

Name:		Agency:	
Name:		Agency:	
Name:		Agency:	
Name:		Agency:	

The following individuals and/or representatives agree to the above plan and authorize the implementation of the monitoring system:

Name:		Signature:	
Name:		Signature:	
Name:		Signature:	
Name:		Signature:	

The following individuals have been granted 3rd party access to the electronic monitoring system in accordance with the guidelines and abilities of the current devices in place:

Name:		Signature:	
Name:		Signature:	
Name:		Signature:	
Name:		Signature:	

Informed Consent for Authorized Electronic Monitoring

Individual Name	Date
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(Informed consent is defined as the ability to identify risks and benefits, acceptable alternatives, consequences and the right to refuse the electronic monitoring)

This form must be completed by one of the following (Circle the applicable number):

1. Parent or guardian of a minor (under 18 year of age).
2. The individual, if he/she is his or her own guardian and the team determines he/she can give informed consent.
3. Guardian of the individual, regardless of the individual ability to give informed consent.
4. Parent or Advocate for an individual who can not give informed consent and has no guardian.
5. Human Rights chairperson in the event the individual can not give informed consent and has no guardian, parent or advocate.

Informed Consent-giver, please respond to the following:

1. The rationale for authorized electronic monitoring plan is:

2. The risks and benefits of the electronic monitoring plan are:

3. Acceptable alternative(s) to this monitoring plan is/are:

4. Consequences of implementing the plan:

5. I agree to the Plan (Circle #5 if you agree)

OR

6. I do not agree with the Plan for this reason(s):

Signature	Relationship to Individual	Date
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If the individual is not the informed consent giver of the plan, please document how and when the plan was shared with the subject of the plan and record their response:

Signature of team member who shared the plan with the individual	Date
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Consent may be revoked at anytime by the informed consent-giver.