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**TESTIMONY ON 13-H 5251,
AN ACT RELATING TO ELECTRONIC MONITORING
OF NURSING HOME PREMISES
March 13, 2013**

The ACLU strongly opposes this bill, which would provide for widespread electronic monitoring of residents at nursing home facilities. Implementation of this bill would establish a dangerously pervasive intrusion on the privacy rights of residents, visitors and staff. Unless a resident specifically opted out, they and their guests would be subject to visual and aural monitoring at virtually all times in their rooms, bathrooms and showers, as well as all common areas. It is difficult to imagine a more comprehensive elimination of privacy rights for elderly patients living in nursing homes and for their loved ones.

Residents could opt out of this surveillance, but under the proposed opt-out form, residents would be acknowledging that they are choosing “privacy over increased safety,” as if one must be sacrificed for the other. It is certainly crucial that residents in nursing homes be kept safe, but it is just as crucial that they be allowed to maintain their dignity. This bill attempts to promote one goal at the complete expense of the other.

The bill also provides relatively broad access to this surveillance to public officials and entities, including law enforcement and DOH staff for any or no reason. Further, by maintaining these surveillance communications in electronic files, there is a very real danger of hacking that cannot be easily discounted.

Some years ago, when a school district was considering requiring elementary school children to wear RFID tags in order to keep track of them, the General Assembly passed a law prohibiting this practice. Legislators did so not because they were unconcerned with children’s safety, but because the dangers to privacy were too great to ignore. The same is true here.

While we agree that nursing homes can and should continually be considering ways to make their facilities safer for residents, we urge the Committee to reject this proposal as the wrong way to go about doing so.