



General Assembly

Amendment

February Session, 2026

LCO No. 4331



Offered by:
REP. GARIBAY, 60th Dist.

To: House Bill No. 5142

File No. 84

Cal. No. 76

**"AN ACT CONCERNING THE USE OF TECHNOLOGY FOR
VIRTUAL VISITATION AND MONITORING IN NURSING HOMES
AND RESIDENTIAL CARE HOMES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2026*) (a) As used in this section:

4 (1) "Resident" means a resident of a residential care home;

5 (2) "Resident representative" means (A) a court-appointed
6 conservator of the person or guardian, (B) a health care representative
7 appointed pursuant to section 19a-575a of the general statutes, or (C) if
8 there is no court-appointed conservator of the person or guardian, or
9 health care representative, a person who is (i) designated in a written
10 document signed by the resident and included in the resident's records
11 on file with the residential care home, or (ii) if there is no such written
12 document, a person who is a legally liable relative or other responsible
13 party, provided such person is not an employer or contractor of the

14 residential care home;

15 (3) "Residential care home" has the same meaning as provided in
16 section 19a-490 of the general statutes;

17 (4) "Technology" means a device capable of remote audio or video
18 communications that may include recording capabilities; and

19 (5) "Virtual monitoring" means remote monitoring of a resident by a
20 third party via technology owned and operated by the resident in the
21 resident's room or living quarters.

22 (b) (1) A resident shall have the right to use technology of the
23 resident's choice that facilitates virtual monitoring, provided:

24 (A) The purchase, activation, installation, maintenance, repair,
25 operation, deactivation and removal of such technology is at the
26 expense of the resident;

27 (B) The technology and any recordings and images obtained
28 therefrom are used by the resident and any person communicating with
29 the resident or monitoring the resident in a manner that does not violate
30 any individual's right to privacy under state or federal law and in
31 accordance with the provisions of this section;

32 (C) A clear and conspicuous notice is placed on the door of the
33 resident's room or living unit indicating that technology enabling
34 virtual monitoring and intended for such use may be in use;

35 (D) In cases where the resident intends to use technology for virtual
36 monitoring in shared living situations, the resident or resident
37 representative provides advance notice to a roommate or the
38 roommate's representative specifying the type of technology, the
39 proposed location of the device, its intended use, intended hours of
40 operation and whether the device is capable of recording audio or video
41 or being activated remotely;

42 (E) The resident or resident representative (i) obtains the written

43 consent of all roommates or resident representatives of all roommates
44 for the use of the technology for virtual monitoring, and (ii) if any
45 roommate withdraws consent, ceases using the technology for virtual
46 monitoring until consent is obtained; and

47 (F) The resident or resident representative files a signed, written
48 notice with the residential care home and a copy of any written consent
49 of any roommate not less than seven days before installing or using such
50 technology for virtual monitoring that (i) identifies the type of
51 technology, its intended use, intended hours of operation and location
52 of such technology in the room or living quarters, (ii) states whether the
53 technology is capable of recording audio or video or being activated or
54 controlled remotely, (iii) acknowledges that the resident is responsible
55 for the purchase, activation, installation, maintenance, repair, operation,
56 deactivation and removal of such technology, and (iv) includes a waiver
57 of all civil, criminal and administrative liability for the residential care
58 home in accordance with subsection (e) of this section.

59 (2) Except as provided in subparagraph (B) of subdivision (1) of this
60 subsection, the provisions of this subsection shall not apply to cellular
61 mobile telephones used primarily for telephonic communication or
62 tablets not used for virtual monitoring. If a roommate withdraws
63 consent for the use of technology for virtual monitoring, a resident or
64 resident representative shall inform the residential care home, in
65 writing, not later than seven days after the roommate withdraws
66 consent.

67 (c) A residential care home may establish policies and procedures on
68 the use of technology for virtual monitoring addressing (1) except for
69 cellular mobile telephones used primarily for telephonic
70 communication or tablets not used for virtual monitoring, placement of
71 any technology device in a conspicuously visible, stationary location in
72 the resident's room or living quarters, (2) restrictions on use of the
73 technology to record video or audio outside the resident's room or living
74 quarters or in any shared common space, (3) compliance with applicable
75 federal, state and local life safety and fire protection requirements, (4)

76 limitations on use of technology for virtual monitoring when such use
77 will interfere with resident care or privacy unless the resident, a
78 roommate of the resident, or his or her resident representative, consents
79 to such use, (5) the ability to limit use of technology in the event of a
80 disruption to the residential care home's Internet service, and (6) actions
81 that the residential care home may take for failure to comply with
82 applicable federal, state and local laws or residential care home policy
83 in the use of technology and the process by which a resident may appeal
84 such actions.

85 (d) The Office of the Long-Term Care Ombudsman may provide
86 standard forms on its Internet web site for (1) notice by a resident to a
87 residential care home of the resident's plan to install and use technology
88 of his or her choice for virtual monitoring; (2) consent forms for any
89 roommate of a resident who wishes to use technology for virtual
90 monitoring that may capture audio or video of the roommate; and (3)
91 forms for a resident or resident representative to notify the residential
92 care home that a roommate has withdrawn consent for use of
93 technology for virtual monitoring. The Office of the Long-Term Care
94 Ombudsman shall develop such standard forms in consultation with
95 residential care home representatives and the Department of Public
96 Health.

97 (e) A residential care home shall be immune from any civil, criminal
98 or administrative liability for any (1) violation of privacy rights of any
99 individual under state law caused by a resident's use of technology in
100 accordance with the provisions of this section; (2) damage to the
101 resident's technology, including, but not limited to, malfunction, not
102 caused intentionally or negligently by the residential care home; and (3)
103 instance when audio or video produced by the resident's technology is
104 inadvertently or intentionally disclosed to, intercepted or used by an
105 unauthorized third party, provided the residential care home does not
106 intentionally cause such audio or video to be disclosed to, intercepted
107 or used by an unauthorized third party.

108 (f) The Commissioner of Public Health may adopt regulations in

109 accordance with the provisions of chapter 54 of the general statutes to
 110 implement the provisions of this section.

111 Sec. 2. Subsection (d) of section 19a-550b of the general statutes is
 112 repealed and the following is substituted in lieu thereof (*Effective October*
 113 *1, 2026*):

114 (d) A nursing home facility shall be immune from any civil, criminal
 115 or administrative liability for any (1) violation of privacy rights of any
 116 individual under state [or federal] law caused by a resident's use of
 117 technology in accordance with the provisions of this section; (2) damage
 118 to the resident's technology, including, but not limited to, malfunction,
 119 not caused [by the negligence of] intentionally or negligently by the
 120 nursing home facility; and (3) instance when audio or video produced
 121 by the resident's technology is inadvertently or intentionally disclosed
 122 to, intercepted or used by an unauthorized third party, provided the
 123 nursing home facility does not intentionally cause such audio or video
 124 to be disclosed to, intercepted or used by an unauthorized third party."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2026</i>	New section
Sec. 2	<i>October 1, 2026</i>	19a-550b(d)