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Whether You Know It or Not, There Is or Will Be a Granny Cam in Your Center: What Are You Going to Do About It?

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You are the exception if you haven't had a family member put a video camera in a resident's room. Sometimes they do it secretly, like in a digital photo frame, and sometimes they put them in plain view. This raises major issues – from privacy issues to demoralizing our caregivers. So what can you do? Let us help.

What Does the Law Say About It?

The law varies from state to state. There is no federal law prohibiting the use of such cameras or mandating that nursing homes allow their use. While multiple states are currently considering proposed legislation that would forbid long term care (LTC) centers from prohibiting the installation of granny cams in residents' rooms, only four states, New Mexico, Oklahoma, Texas and Washington, have enacted such legislation. In Maryland, granny cams may be installed in a nursing home resident's room, but only if the resident's facility allows them. The Tennessee legislature is one of many that has failed in attempting to pass legislation allowing the permissive use of granny cams. These facts taken together strongly support the proposition that states are free to decide for themselves whether nursing homes may prohibit the installation of granny cams in residents' rooms. So, unless you are in one of those four states, you can prohibit them if you want to.

Why Should You Prohibit Granny Cams?

First, granny cams in residents' rooms may violate the privacy rights of various individuals. At a minimum, a LTC resident and their roommate have a right to privacy in their room, and their consent to the installation of a granny cam is required. Beyond this, a LTC facility's obligations under HIPAA may be implicated by the installation of granny cams in residents' rooms. Also, certain granny cam interceptions can violate wiretapping and electronic surveillance statutes. Finally, it is demoralizing to caregivers and hurts the morale of the team. There are few people who could relax and perform well at their jobs with a camera pointed at them all day with a video feed to someone looking to scrutinize their every move.

Best Practices

Family members are understandably concerned about care. Cameras usually stem from a fundamental lack of trust and a communication deficit. When forbidding granny cams, LTC facilities should up their game in great communication. LTC facilities should encourage residents and their family members to go directly to facility management with their concerns and foster an environment in which open communication is not only encouraged, but also actively facilitated. Examples are enabling residents to video chat with family members, creating shared calendars that family members may view and investing in software that allows family members to securely text staff, request resident pictures and updates, or even view a resident's activity through digital records that staff members create.

Regardless of whether your center plans to allow or prohibit cameras, you should have a clear policy addressing it. Even in states with statutes specifically allowing cameras, certain conditions limit the installation and use of granny cams. For example, the Texas statute requires permission from roommates, providing that

roommates may stipulate other conditions, such as the camera never being pointed at them, and that conspicuous notices be posted throughout the facility informing residents, staff and visitors of the presence of video cameras. If, however, you decide to ban granny cams in your facility, make sure you have a good written policy on it before the issue comes up. It will save you a lot of trouble on the back end.