



Oregon's Voice for Long Term Care & Senior Housing

March 4, 2025

Senate Committee on Human Services
Oregon State Capitol
900 Court St. NE
Salem, OR 97302

Re: SB 134, Regulating Electronic Monitoring Devices in Resident's Private Quarters

Chair Gelser Blouin, Vice Chair Linthicum, and Members of the Committee,

Oregon Health Care Association (OHCA) represents long term care providers including skilled nursing facilities, assisted living, residential care, and memory care-endorsed facilities, and licensed in-home care agencies. Our mission is to promote high-quality care for older adults and people with disabilities in Oregon.

We appreciate the importance of determining the appropriate legal framework for electronic monitoring devices in a resident's private quarters. As drafted, OHCA is opposed to SB 134, but believe it is a reasonable starting place for this conversation.

However, given the complexity of the subject matter, the number of impacted stakeholders, and the timeline of this legislative session, our preference would be for a commitment to work together in the interim giving everyone more time to reach consensus.

The use of cameras or recording devices in long term care settings is an issue that has emerged with relative recency as technology has advanced. Today, recording devices in resident rooms are allowed, and this occurs through facilities and residents and/or their legal representatives working together to determine how these devices can be utilized and under what circumstances.

The goal is to strike a delicate balance of various factors, including respecting resident's rights, the privacy rights of other residents and staff in a facility or foster home, applicable state recording laws, and risks of unauthorized access or misuse of recordings.

The issue of cameras may seem simple, but in practice there a lot of complexities and it could be fraught with problems that impact resident care, dignity, respect, and administrative burden on a facility. OHCA's concerns and questions include but are not limited to:

- How to ensure residents truly provide “informed consent” to being recorded, especially in memory care settings where a resident’s capacity may be impacted.
- Ethical considerations, including protecting a resident’s privacy and dignity.
- The comfort or discomfort of staff being recorded and needing to ensure this does not become an issue that makes it harder for providers to recruit and retain staff.
- How this law would interface with Oregon’s existing statutes on recording conversations. We have reviewed those statutes and existing case law and believe that cameras in resident rooms should be limited to video-only with no audio capabilities.
- How facilities manage the rights and preferences of other residents living in a facility.
- Who can request or install a monitoring device on behalf of an individual.
- Modifying language in the bill that requires facilities to continuously inquire with residents about their desire to use cameras or move residents to different rooms to accommodate the use of cameras, which could be very burdensome amid all the other regulations providers must operate under today.
- Clarity in the bill that if a resident is moving rooms because they want to use a recording device and their roommate does not, that a facility is not required to provide a private room to a resident who is unwilling or unable to pay the existing room rate. And I think there is also an open question as to how this provision would apply to Medicaid beneficiaries.
- Removal of the section that allows residents or their family members to set up recording devices in secret from the facility under certain circumstances.
- Considerations for when and how a recording device could be turned off or its view obstructed if the obstruction happens as a natural occurrence through the course of care by staff that cannot be helped.
- Liability and privacy protections are not sufficient in SB 134, and we think there are better state models out there to pull from.

OHCA would like these issues to be addressed this session or in a future session to be comfortable with the policy. We believe the best path to achieving that outcome is to do that in the interim and are happy to work with stakeholders on this goal.

Sincerely,

Libby Batlan

Senior Vice President of Government Relations

Oregon Health Care Association