

MEMORANDUM OF OPPOSITION

A.1967-B (Paulin) / S.7190 (Scarcella-Spanton)

An Act to amend the public health law, in relation to the use of electronic monitoring devices in the rooms of residents in assisted living residences and patients in nursing homes

The New York State Health Facilities Association|New York State Center for Assisted Living (NYSHFA|NYSCAL), which represents more than 450 skilled nursing and assisted living facilities across New York State, **opposes** A.1967-B/S.7190 which would require assisted living and skilled nursing facilities to allow residents or their legal representatives to install electronic monitoring devices, such as cameras, in their living spaces. This legislation mandates that facilities must inform residents of this right, establishes consent requirements for roommates, and sets forth provisions regarding the placement, maintenance, and use of such surveillance devices.

Obtaining consent from all parties, including “lawful representatives,” roommates and staff, can be challenging, especially when residents are diagnosed with cognitive impairments or dementia. Furthermore, continuous surveillance has the potential to infringe on resident and staff privacy and raises serious concerns, especially in shared rooms, by capturing personal and potentially sensitive activities without consent. Many residents require assistance with personal care, including dressing and maintaining their hygiene, and constant surveillance may make them feel uncomfortable and exposed despite the legislation’s exclusion of shared bathrooms and toilet areas. Even with consent provisions, the presence of cameras could create an environment that undermines personal dignity and autonomy.

Facilities are already highly regulated under federal and state law to ensure the safety and well-being of residents. This bill places additional burdens on staff to monitor and enforce compliance with privacy laws, consent requirements, and operational policies related to device usage. Additionally, access to recorded footage could be misused, leading to unauthorized sharing, or viewing of personal content, raising ethical and security concerns.

Additionally, New York State is facing a critical healthcare workforce shortage, particularly in long-term care settings. This legislation may unintentionally further deter potential staff from working in assisted living and skilled nursing facilities, as they may feel constantly scrutinized and hesitant to work in an environment where they are under continuous surveillance. The presence of cameras has the potential to impact staff morale, increase turnover, and exacerbate existing staffing challenges.

While ensuring resident safety and well-being is a shared priority, this bill raises significant privacy, legal, and workforce concerns that far outweigh any perceived benefits. ***For these reasons, NYSHFA|NYSCAL opposes A.1967-B (Paulin)/S.7190 (Scarcella-Spanton) and urges its rejection.***

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