



Testimony of Matthew Netto, AARP Rhode Island
In support of House Bill 7969
House Health and Human Services Committee
March 26, 2024

Chairwoman Donovan and Members of the House Health and Human Services Committee:

AARP is a nonpartisan, social mission organization with 38 million members nationwide and nearly 125,000 members here in Rhode Island. We advocate on behalf of issues that impact older adults, and we appreciate the opportunity to offer our support for allowing the electronic monitoring of residents or a private living unit in nursing or assisted living facilities as outlined in Deputy Majority Leader Knight's House Bill 7969.

The federal government and the states should enact laws that establish the right of residents in nursing facilities and residential care settings—or their legally recognized decision-makers—to use video and technology for monitoring the quality of care, documenting the provision of care, and facilitating virtual visitation. However, video monitoring should be allowed only when protections are in place to ensure it does not infringe on roommates' right to privacy. For residents unable to provide consent, care must be taken to balance the benefits of video technology with the need to protect the resident's right to privacy.

Twenty other states have passed legislation similar to House Bill 7969. AARP Rhode Island supports House Bill 7969 but we do have several recommendations to improve it. We believe that the bill could be stronger in certain areas. We have prepared a red line copy of this legislation and have attached it to this testimony for you to review. In summary, some of our concerns include:

- A roommate should not have complete veto power for electronic monitoring. A roommate's right to privacy should extend only to the roommate's actions and activities and personal space and should not grant the roommate veto power over the resident's right to monitor only their space, their person, etc. Accordingly, roommate consent should be more narrowly structured—language overall should reflect roommate consent if the electronic monitoring device is proposed to be positioned in a manner that would capture audio or video of the roommate. You'll see some suggested edits throughout the attached red line copy.
- *23-17.29-3. Consent to electronic monitoring.* It seems burdensome to require a healthcare provider to determine a resident's capacity to understand the nature and consequences of electronic monitoring (i.e., what are the necessary steps? What if the provider is an employee/contractor of the nursing facility?) Resident representative is already defined in *23-17.29-1. Definitions*. We have included suggested amendments in the redline copy.
- *23-17.29-6. Notification and consent form requirements.* These requirements seem onerous and potentially intended to be a barrier to starting electronic monitoring.

- *23-17.29-13. Resident protections.* We are proposing an amendment that prohibits influencing roommates to object or withdraw consent for the purpose of obfuscating a resident's choice to have electronic monitoring.

In conclusion, the proposed provisions in House Bill 7969 would take important steps towards empowering residents of long-term care facilities and their representatives to oversee the condition and care that their loved ones are experiencing. AARP Rhode Island supports this bill but feels that it could be improved with amendments. We ask you to consider these amendments as you proceed with this important piece of legislation.

Sincerely,

A handwritten signature in black ink that reads "Matt R. Netto". The signature is written in a cursive style with a large initial "M".

Matt R. Netto

Associate State Director – Advocacy, AARP Rhode Island