



# ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

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House: HHS DPA 7-1-0-1 | 3<sup>rd</sup> Read 52-1-7-0

Final Pass: 25-0-5-0

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## **SB 1542: group homes; electronic monitoring**

**Sponsor: Senator Barto, LD 15**

**Transmitted to the Governor**

### **Overview**

Allows a service provider operating a group home, nursing-supported group home or an intermediate care facility for individuals with intellectual disabilities to install, oversee and monitor electronic monitoring devices, unless any client or the client's responsible person objects to the installation. Outlines requirements and restrictions for rules regarding the use of electronic monitoring devices adopted by the Director of the Department of Economic Security (DES).

### **History**

A service provider who operates a group home, a nursing-supported group home or an intermediate care facility for persons with intellectual disabilities may install, oversee and monitor electronic monitoring devices in common areas including hallways of the intermediate care facility, group home or nursing-supported group home. The Director of DES (Director) is required to adopt rules regarding the use of electronic monitoring in group homes and intermediate care facilities which at a minimum must include:

- 1) Consent requirements consistent with specified law;
- 2) A public disclosure that an electronic monitoring device is in use on the property;
- 3) Who may access the electronic record under which circumstances;
- 4) How often the electronic monitoring device is monitored or reviewed by the service provider or their designee;
- 5) The electronic record's storage, maintenance and retention schedule;
- 6) Assurance that all staff with access to the electronic record are properly trained in the facility policies and the protection of client rights;
- 7) How privacy and confidentiality are maintained; and
- 8) Assurance that adherence to the facility policies is monitored and the risks or breaches of facility policies are promptly addressed ([A.R.S. § 36-568](#)).

A *responsible person* is defined as the parent or guardian of a minor with a developmental disability, the guardian of an adult with a developmental disability or an adult with a developmental disability who is a client or an applicant for whom no guardian has been appointed ([A.R.S. § 36-551](#)).

An *electronic monitoring device* means a video surveillance camera or audio device that is installed in a common area, including a hallway of a group home or intermediate care facility. It does not include an electronic, mechanical or other device used specifically for the nonconsensual interception of wire or electronic communications ([A.R.S. § 36-568](#)).

### **Provisions**

1. Allows a service provider operating a group home, nursing-supported group home or an intermediate care facility for people with developmental disabilities to install, oversee and

monitor electronic monitoring devices in common areas, unless any client or client's responsible person objects to the installation of the electronic monitoring devices. (Sec. 1)

2. Allows a service provider to require cost sharing for the electronic monitoring devices only with the consent of the responsible persons. (Sec. 1)
3. Restricts a service provider from preventing the responsible persons from installing and paying for the costs of electronic monitoring devices if each client or the client's responsible person agrees to the installation of the devices. (Sec. 1)
4. Stipulates that the responsible persons that install and pay for the electronic monitoring devices are responsible for the maintenance and repairs of the electronic monitoring devices. (Sec. 1)
5. Prohibits a service provider from accessing the electronic record of electronic monitoring devices installed by the responsible persons unless the responsible persons provide access. (Sec. 1)
6. Exempts electronic monitoring devices installed by the clients' responsible persons from DES adopted rules regarding the use of electronic monitoring. (Sec. 1)
7. Requires the Director to adopt rules, including:
  - a) The use of electronic monitoring devices in nursing-supported group homes; and
  - b) Ensuring access to the electronic record including live recordings and a video feed by the service provider, the client or the client's responsible person, unless the electronic record contains evidence of a suspected criminal offense. (Sec. 1)
8. Restricts DES adopted rules for electronic monitoring from prohibiting accessing the electronic record from the service provider, the client or the client's responsible person unless the electronic record contains evidence of a suspected criminal offense. (Sec. 1)
9. Deletes the requirement prohibiting DES adopted rules from requiring a service provider to be financially responsible for purchasing, installing, maintaining or monitoring an electronic monitoring device that is not voluntarily installed by the service provider in the group home or intermediate care facility. (Sec. 1)
10. Forbids DES adopted rules from prohibiting cost sharing for the electronic monitoring devices between the service provider and the clients' responsible persons. (Sec. 1)
11. Modifies the definition of an *electronic monitoring device*. (Sec. 1)
12. Exempts DES from rulemaking requirements for one year. (Sec. 2)
13. Makes conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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