



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1509

Introduced 1/31/2023, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

210 ILCS 32/35 new
210 ILCS 45/3-801.3 new
210 ILCS 165/35 new

Amends the Nursing Home Care Act, the Authorized Electronic Monitoring in Long-Term Care Facilities Act, and the Authorized Electronic Monitoring in Community-Integrated Living Arrangements and Developmental Disability Facilities Act. Provides that, on and after January 1, 2024, long-term care facilities, nursing homes, community-integrated living arrangements, and developmental disability facilities shall equip in-car video camera recording equipment with a recording medium capable of recording for a period of 24 hours or more in each vehicle owned or operated by the long-term care facility, nursing home, community-integrated living arrangement, or developmental disability facility. Requires in-car video camera recording under specified situations. Requires a recording medium containing each in-car video camera recording to be retained for a period of at least 365 days. Provides that a long-term care facility, nursing home, community-integrated living arrangement, or developmental disability facility shall ensure proper care and maintenance of in-car video camera recording equipment and recording mediums. Contains other provisions.

LRB103 05316 CPF 50334 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Authorized Electronic Monitoring in
5 Long-Term Care Facilities Act is amended by adding Section 35
6 as follows:

7 (210 ILCS 32/35 new)

8 Sec. 35. Video and audio in facility vehicles.

9 (a) In this Section:

10 "Audio recording" means a recorded conversation between a
11 facility employee and a resident.

12 "Facility vehicle" means a vehicle owned or operated by a
13 facility.

14 "In-car video camera" means a recording device in a
15 vehicle.

16 "Recording" means the process of capturing video and audio
17 data or information that is stored on a recording medium.

18 "Recording medium" means any medium for the retention and
19 playback of recorded audio and video, including, but not
20 limited to, a VHS, DVD, hard drive, or solid state, digital, or
21 flash memory technology.

22 (b) On and after January 1, 2024, a facility shall equip
23 in-car video camera recording equipment with a recording

1 medium capable of recording for a period of 24 hours or more in
2 each facility vehicle.

3 (c) In-car video camera recording must occur whenever any
4 of the following occur:

5 (1) A facility employee and a resident are inside a
6 facility vehicle.

7 (2) A resident is inside a facility vehicle.

8 (3) A facility employee is operating a facility
9 vehicle.

10 (d) A recording medium containing each in-car video camera
11 recording shall be retained by the facility for a period of at
12 least 365 days. Under no circumstances shall any in-car video
13 camera recording be altered or erased prior to the expiration
14 of the 365-day retention period. After the 365-day retention
15 period has elapsed, the in-car video camera recording may be
16 erased and the recording medium reissued for operational use,
17 unless otherwise ordered by a court.

18 (e) A facility shall ensure proper care and maintenance of
19 in-car video camera recording equipment and recording mediums.
20 A facility employee who operates a facility vehicle must
21 immediately document and notify the employee's supervisor of
22 any technical difficulty, failure, or problem with a facility
23 vehicle's in-car video camera recording equipment or a
24 recording medium. Upon receiving notice, the facility
25 employee's supervisor shall make every reasonable effort to
26 correct and repair the in-car video camera recording equipment

1 or recording medium and determine whether it is in the public
2 interest to permit the use of the facility vehicle.

3 Section 10. The Nursing Home Care Act is amended by adding
4 Section 3-801.3 as follows:

5 (210 ILCS 45/3-801.3 new)

6 Sec. 3-801.3. Video and audio in facility vehicles.

7 (a) In this Section:

8 "Audio recording" means a recorded conversation between a
9 facility employee and a resident.

10 "Facility vehicle" means a vehicle owned or operated by a
11 facility.

12 "In-car video camera" means a recording device in a
13 vehicle.

14 "Recording" means the process of capturing video and audio
15 data or information that is stored on a recording medium.

16 "Recording medium" means any medium for the retention and
17 playback of recorded audio and video, including, but not
18 limited to, a VHS, DVD, hard drive, or solid state, digital, or
19 flash memory technology.

20 (b) On and after January 1, 2024, a facility shall equip
21 in-car video camera recording equipment with a recording
22 medium capable of recording for a period of 24 hours or more in
23 each facility vehicle.

24 (c) In-car video camera recording must occur whenever any

1 of the following occur:

2 (1) A facility employee and a resident are inside a
3 facility vehicle.

4 (2) A resident is inside a facility vehicle.

5 (3) A facility employee is operating a facility
6 vehicle.

7 (d) A recording medium containing each in-car video camera
8 recording shall be retained by the facility for a period of at
9 least 365 days. Under no circumstances shall any in-car video
10 camera recording be altered or erased prior to the expiration
11 of the 365-day retention period. After the 365-day retention
12 period has elapsed, the in-car video camera recording may be
13 erased and the recording medium reissued for operational use,
14 unless otherwise ordered by a court.

15 (e) A facility shall ensure proper care and maintenance of
16 in-car video camera recording equipment and recording mediums.
17 A facility employee who operates a facility vehicle must
18 immediately document and notify the employee's supervisor of
19 any technical difficulty, failure, or problem with a facility
20 vehicle's in-car video camera recording equipment or a
21 recording medium. Upon receiving notice, the facility
22 employee's supervisor shall make every reasonable effort to
23 correct and repair the in-car video camera recording equipment
24 or recording medium and determine whether it is in the public
25 interest to permit the use of the facility vehicle.

1 Section 15. The Authorized Electronic Monitoring in
2 Community-Integrated Living Arrangements and Developmental
3 Disability Facilities Act is amended by adding Section 35 as
4 follows:

5 (210 ILCS 165/35 new)

6 Sec. 35. Video and audio in community-integrated living
7 arrangement and developmental disability facility vehicles.

8 (a) In this Section:

9 "Audio recording" means a recorded conversation between a
10 facility employee and a resident.

11 "Facility" means a community-integrated living arrangement
12 or developmental disability facility.

13 "Facility vehicle" means a vehicle owned or operated by a
14 facility.

15 "In-car video camera" means a recording device in a
16 vehicle.

17 "Recording" means the process of capturing video and audio
18 data or information that is stored on a recording medium.

19 "Recording medium" means any medium for the retention and
20 playback of recorded audio and video, including, but not
21 limited to, a VHS, DVD, hard drive, or solid state, digital, or
22 flash memory technology.

23 (b) On and after January 1, 2024, a facility shall equip
24 in-car video camera recording equipment with a recording
25 medium capable of recording for a period of 24 hours or more in

1 each facility vehicle.

2 (c) In-car video camera recording must occur whenever any
3 of the following occur:

4 (1) A facility employee and a resident are inside a
5 facility vehicle.

6 (2) A resident is inside a facility vehicle.

7 (3) A facility employee is operating a facility
8 vehicle.

9 (d) A recording medium containing each in-car video camera
10 recording shall be retained by the facility for a period of at
11 least 365 days. Under no circumstances shall any in-car video
12 camera recording be altered or erased prior to the expiration
13 of the 365-day retention period. After the 365-day retention
14 period has elapsed, the in-car video camera recording may be
15 erased and the recording medium reissued for operational use,
16 unless otherwise ordered by a court.

17 (e) A facility shall ensure proper care and maintenance of
18 in-car video camera recording equipment and recording mediums.
19 A facility employee who operates a facility vehicle must
20 immediately document and notify the employee's supervisor of
21 any technical difficulty, failure, or problem with a facility
22 vehicle's in-car video camera recording equipment or a
23 recording medium. Upon receiving notice, the facility
24 employee's supervisor shall make every reasonable effort to
25 correct and repair the in-car video camera recording equipment
26 or recording medium and determine whether it is in the public

1 interest to permit the use of the facility vehicle.