

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Procedure No. I.D.PR.011
Subject: Use of Video and Audio Technology
Section: Quality Enhancement

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Approved:/s/Jordan A. Scheff/LT

Policy Statement

The Department of Developmental Services (DDS) is committed to expanding opportunities for individuals with intellectual disability and other developmental disabilities through the use of various technology-supported options. Video and audio technologies are some of the many types of technology that can be used to (1) enhance an individual’s independence, (2) monitor an individual’s health and safety, (3) deter abuse and neglect of an individual, (4) improve program quality and integrity, and (5) maximize the effectiveness of staff. The use of video and audio technologies by the department and its qualified providers shall be in accordance with all applicable laws and professional and ethical standards.

A. Purpose

The purpose of this procedure is to provide guidance on the use of video or audio technology for purposes of promoting an individual’s independence by ensuring the use of the equipment supports the individual’s health and safety and two-way communication between the individual and their support provider. The procedure outlines the requirements related to the use of video and audio technology to support individuals, the review process for the installation and use of video and audio devices and the rights of individuals when video and audio technology is used.

B. Applicability

This procedure applies to all Department of Developmental Services (DDS) licensed or certified residential facilities, excluding an individual’s home, family home, or individuals receiving Individualized Home Support unless the individual shares a home with another individual receiving support and services from the Department. The policy is also applicable to all DDS employees and DDS qualified provider employees.

C. Definitions

“Human Rights Committee” or “HRC” means the group of persons in the region who review and advise the DDS regional and training school directors on best practices and addresses concerns and complaints on human rights issues involving individuals receiving funding or services from the department.

“Qualified Provider” means a person, firm or corporation that has been qualified to provide services funded through DDS and has met the standards established in the DDS Home and Community Based Services Waiver (HCBS).

“Individual” means a person who is receiving funding or services from the Department of Developmental Services

“Individualized Home Supports” or “I.H.S.” means a type of residential service where a staff person provides support to an individual in their home or their family home and in their community in accordance with the individual’s person-centered plan.

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“Planning And Support team” or “PST” means the group of persons who participate in the development of an Individual Plan, including the individual; the individual’s parent or legal representative; family members or chosen advocates, as applicable; the individual’s case manager; support services personnel; and any other person requested by the individual.

D. Implementation

1. Requests for use of a video or audio device.
 - a. An individual, or their family or legal guardian or qualified provider who chooses to use a video or audio device to enhance their independence and quality of life may contact the individual’s case manager for the process and documentation requirements to approve the use such device or devices.
 - b. During any individual’s planning and support team meeting where the use of video or audio devices is discussed, the department expects the team to explore all types of support options to increase and enhance an individual’s level of independence.
 - c. A request for approval for the use of a video or audio device is not needed when:
 - i. An individual resides in an individual’s own home or in their family home; or
 - ii. If the individual is receiving individualized home support unless the individual shares a home with another individual receiving support and services from the Department.
2. Approval for the use of video or audio device.
 - a. To be approved for the use of a video or audio device in the DDS licensed or certified residential setting, each individual, or their family or legal representative, who is affected by the use of the video or audio technology shall sign a consent form, the planning and support team shall document the agreement in each individual’s file.
 - b. The use of a video or audio device may require approval from the Human Rights Committee. The individual’s Planning and Support Team shall review the circumstances under which video or audio devices will be used and determine if a Human Rights Committee review is required.
 - c. Non-recording video or audio devices used to enhance the independence of an individual who lives in an I.H.S. setting with other individuals when the device’s use has been agreed to by each individual’s planning and support team do not require HRC review.

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- d. Non-recording video or audio devices recommended as part of an Assistive Technology assessment or as part of an approved remote support plan do not require HRC review.
 - e. A Human Rights Committee Review is not needed if a DDS or a DDS qualified provider vehicle used to transport an individual or individuals in which a video device is installed and in use.
3. Use of video or audio technology by a Qualified Provider.
- a. A qualified provider may use a video or audio device when written consent has been obtained from the individual or the individual's legal representative and approval has been obtained from their Planning and Support Team, and if applicable, the Human Rights Committee as needed in accordance with this procedure. The Qualified Provider that uses or plans to use video or audio technology shall have policies and procedures, made available to DDS upon request. Such policies and procedures shall include the following:
 - i. Ensures that any area where an individual's private medical information is located or can be accessed is only monitored in a way that protects this information from being seen, heard or recorded by a video or audio device (i.e., file cabinets, desks and computer screens are out of camera view, audio devices are not used in areas where confidential information is likely to be discussed).
 - ii. Restricts access to any video or audio recordings or other related data to designated staff only.
 - iii. Creates guidelines on how any video or audio recordings or other related data may be viewed.
 - iv. Identifies the timeline for maintaining any recordings and clarifies the situations in which recordings need to be preserved.
 - v. Describes the steps to be taken by staff in response to a specific instance of suspected abuse or neglect or inappropriate behavior having been identified on a video or audio recording, including who is required to be notified and how and with whom any recording shall be shared.
 - vi. Describe the process by which an employee subject to disciplinary action resulting from the use of video or audio technology has the opportunity to review any video or audio recording prior to any hearing at which disciplinary action may be taken.
 - vii. Describe the provider's system to alert designated staff that a video or audio device is not working properly, as well as the procedures and timeframes for repairing or replacing equipment. Identify a backup plan that will be used in such instances.
 - viii. Details the backup plan for any approved video or audio device used to enhance an individual's independence or to monitor health and safety concerns that is malfunctioning or offline.
 - ix. Identified how the individual is able to manually turn the device off, or request that it be turned off, as well as how the individual is educated on this ability.

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- b. No person shall use any information obtained through an approved video or audio technology except for one or more of the following criteria:
 - i. Enhancement of an individual's independence;
 - ii. The health and safety of an individual;
 - iii. Appropriate administration of an individual's medications;
 - iv. Protection of an individual's financial interests;
 - v. Deterrence of abuse or neglect of an individual;
 - vi. The health and safety of an individual's support staff;
 - vii. Program quality and integrity; or
 - viii. Security of the program, service or support location.

- c. No person may place an approved video or audio device in a bathroom, bedroom or other personal care area, except that an individual requires monitoring in these private areas for a specific health or safety related issue. Access to any video or audio recordings of these private areas shall be restricted to DDS-approved or qualified provider-approved staff.

- d. Staff shall not use personal devices for the purpose of video or audio recording without written consent of the individual or the responsible person.

- e. Any individual, or their family or legal representative, who lives in or participates in a program, service, or support location, including riding in a vehicle that has video or audio technology installed, may request the Human Right Committee review use of the device at any time.

- f. Any information obtained through video or audio recording shall only be released or shared in accordance with this procedure or as required by any applicable state or federal law.

- g. Any program, service, or support location that has received approval from DDS for the use of video or audio technology is required to notify all persons who enter the premises of the use of video or audio devices. This notification shall be displayed in a variety of ways in order to allow individuals with various abilities to understand that video and audio devices are in use at the location. All versions of the notification shall note that any use of video or audio devices or recording is required to comply with all applicable HIPAA rules and regulations.

- h. An individual, an individual's legal representative, or other person who is visiting or working with the individual may request that a video or audio device be turned off if private or confidential information is being discussed in a location where there are such devices. DDS or the qualified provider shall make every reasonable effort to accommodate these requests.

- i. During the individual's Planning and Support Team review of the circumstances under which video or audio devices will be used, the Planning and Support Team shall determine if the video or audio device is required to maintain any video or audio recording or other related data shall be maintained on the devices for a

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minimum of seven days at which time the recording or data may be overwritten. If the Planning and Support Team determines that video or audio recordings or other related data is required, approval by the regional director or the regional director's designee is required for installation of any video or audio technology that records for less than the minimum of seven days. Once the recording or data is overwritten, it shall not be recoverable.

- j. DDS staff or Qualified Provider staff shall document any malfunction of an approved video or audio device whenever the backup video or audio technology plan has been activated for 24 hours or more and make documentation available to DDS upon request.
 - k. All video or audio recordings shall be stored securely at the program, service, or support location or with the information technology vendor contracted to oversee the video or audio technology. A Qualified Provider shall establish security measures to minimize the risk of unauthorized electronic access to any recordings. Any video or audio recording downloaded as evidence of a specific incident shall be safeguarded in an appropriate and secure manner.
 - l. Any copy of a video or audio recording or other related data may only be released as allowed by state and federal law.
4. Human Rights Committee documentation.
- a. If the individual's Planning and Support Team determines during their review of the circumstances under which video or audio devices will be used determines that a Human Rights Committee review is required for the use of video or audio technology by a Qualified Provider, the review and approval of the use of video or audio devices shall be completed by the Human Rights Committee in the Region where the individual is located.
 - b. The DDS qualified provider shall submit the following documentation for review and approval by the Human Rights Committee:
 - i. A completed Request for Human Rights Committee Review Form (I.F.PO.006 Attachment B), including:
 - I. Behavior Support Plan for the individual who requires the use of video or audio technology; and
 - II. Written consent by the individual or his or her legal representative for the use of video or audio technology and written consent by any other individual who is affected by its use.
 - ii. A request for department approval for the installation and use of video or audio technology from the Licensed or Certified residential facility's Administrator that includes, but is not limited to, the following information:
 - I. The reason for the use of video or audio devices and how its use is expected to improve the quality of life of the individual;

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- II. A floor plan or diagram of the proposed placement of the video cameras and audio devices;
- III. Who or what each video or audio device will be monitoring;
- IV. The type of video camera being installed, and the features of the camera intended to be used (i.e., can it record, does it have audio, can it zoom in, is it motion activated, is it stationary or portable?);
- V. Frequency of any video or audio recording (i.e., all the time, at specific times, at random times, on activation by a sensor?);
- VI. Frequency of the use of video or audio technology and any related intervention plans to address suspected instances of abuse or neglect or inappropriate behavior;
- VII. List of other less intrusive measures that have been taken to protect the health and safety of an individual prior to requesting the use of video or audio technology. (Not applicable for video or audio technology requested for enhancing an individual's independence);
- VIII. Plan to educate each individual and their family or legal representative, if applicable, on the use of video and audio technology;
- IX. Plan to provide a copy of all legally required notifications describing the use of the video and audio technology and an individual's rights concerning the use of this technology that is to be installed to the individual or their family or legal representative, if applicable;
- X. Plan to protect each individual's privacy;
- XI. Description of the type of data that is anticipated to be collected and how the data will be collected by the video and audio devices;
- XII. List of any additional technology supports that have been explored to assist the individual to enhance or increase his or her ability to be more independent;
- XIII. Backup plan for the ongoing use of video or audio technology in case of power loss or other emergency situation;
- XIV. Any policies or procedures used for audio or video technology purposes; and
- XV. Any other documentation as may be required by the Human Rights Committee.

5. Human Rights Committee documentation review.

- a. The Human Rights Committee shall review and recommend approval or disapproval of each request to install and use video or audio devices based upon the documentation received, to determine the justification of an individual's need and the balance between the opportunity to improve an individual's life through the use of video or audio technology and its potential for infringement upon the individual's rights to privacy.
- b. The Human Rights Committee shall send their recommendations for approval to the individual's planning and support team, and the qualified provider.

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- c. Before the HRC may send a final recommendation to disapprove the use of a video or audio device, the committee shall:
 - i. Submit to the qualified provider making the request suggested alternatives that would make the use of video or audio technology acceptable; and
 - ii. Document the committee's recommendation and the qualified provider's follow up in the final recommendation to approve or disapprove the use video or audio devices sent to the regional director.

- 6. DDS requirements for video or audio recording data that may be subject to review by the department due to alleged abuse or neglect, or complaint investigation.
 - a. No video or audio recording or other related data shall be deleted or overwritten if it is determined by DDS or the qualified provider to contain:
 - i. A suspected or substantiated instance of abuse or neglect;
 - ii. Any instance of inappropriate or unprofessional conduct by the staff; or
 - iii. Any instance where an individual, a visitor or a family member at the program or facility displays behavior that could be subject to complaint.
 - iv. A video or audio recording that meets the provisions of subparagraphs i., ii., or iii. of this subsection shall be preserved for use in an abuse or neglect investigation, disciplinary action or any administrative review deemed necessary by the commissioner or the commissioner's designee.

 - b. If DDS determines that a video or audio recording or other related data from a video or audio device may be evidence in an abuse or neglect complaint or any other investigation in regards to an individual, the qualified provider shall submit in a secure manner any requested recordings or data to the DDS Director of Investigations, or the DDS Director of Legal and Government Affairs, or the directors' designee, within 48 hours of the request.

 - c. If DDS determines that a video or audio recording or other related data from a video or audio device is evidence in a complaint regarding the Qualified Provider or its staff at a program, service, or support location, the qualified provider shall submit in a secure manner any requested recordings or data to the DDS Director of Investigations, or the DDS Director of Legal and Government Affairs, or the directors' designee, within 72 hours of the request.

E. References

None

F. Attachments

I.F.PO.006 Attachment B [Request for Human Rights Committee Review Form](#)