

AUGUST 16, 2011

## CMS GUIDANCE ON USE OF VIDEO CAMERAS IN ICFs/MR

On July 29, 2011, CMS issued the following guidance for the use of video cameras in ICFs/MR:

To ensure that clients' rights are protected, the use of video cameras in the ICF/MR must be reviewed, approved and monitored by the Specially Constituted Committee (SCC) of the facility as constituted per 42 CFR 483.440(f)(3)(i-iii). If approved by the SCC, written informed consent must be obtained from every affected client or designated guardian prior to the implementation of video cameras. Video cameras may be used in common areas within the ICF/MR facility. Video cameras may *never* be used *for any reason* in areas where there are the highest expectations of privacy such as bathrooms, areas for private visitation or areas for private phone calls. Video cameras may not be used as a substitute for or supplement to adequate staffing or supervision protocols. The cost of the video cameras must be incurred by the facility and not the clients.

If you have questions regarding this new CMS guidance please contact:

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