

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HUMAN SERVICES LICENSING
Family Living Homes
(55 Pa.Code Chapter 6500)

Q/A - Regulatory Clarifications – August 2016

The clarifications and interpretations below will remain on the Department's web site until the information is included in the next updated Regulatory Compliance Guide (RCG).

Regulations: §§ 6500.33(e), (g) – Rights of the Individual

§ 6500.33 –

(e) An individual has the right to privacy in bedrooms, bathrooms and during personal care.

(g) An individual has the right to receive scheduled and unscheduled visitors, communicate, associate and meet privately with the individual's family and persons of the individual's own choice.

Question: Is video recording and/or video monitoring of the home's interior and/or exterior permitted?

ANSWER: Audio monitoring in any location on the grounds of the home is prohibited. Video monitoring and recording of the home's exterior is permitted. Video monitoring of the home's interior common areas is permitted. Video recording is permitted in interior areas completely inaccessible to individuals, such as medication and supply storage areas.

Video recording of the home's entrances and exits and the interior corridors leading to entrances and exits is permitted, provided that:

- Individuals are informed at admission that these areas are subject to video recording;
- Signs indicating that images are being recorded are posted in the areas that are being recorded.

All other recording of interior areas by the home is a violation of an individual's privacy and therefore is prohibited.

Staff may not photograph or video record individuals with private cell phones or other electronic devices.

Individuals may video record in their private rooms or with the written permission of all roommates in shared rooms. Individuals may install "hidden cameras" in private rooms without the home's knowledge.