

WAC 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring. (1) Except as provided in this section or in WAC 388-76-10725, the adult family home must not use the following in the home or on the premises:

- (a) Audio monitoring equipment; or
 - (b) Video monitoring equipment if it includes an audio component.
- (2) The home may video monitor and video record activities in the home, without an audio component, only in the following areas:
- (a) Entrances and exits if the cameras are:
 - (i) Focused only on the entrance or exit doorways; and
 - (ii) Not focused on areas where residents gather;
 - (b) Outdoor areas accessible to both residents and the public, such as, but not limited to, driveways or walkways, provided that the purpose of such monitoring is to prevent theft, property damage, or other crime on the premises;
 - (c) Outdoor areas not commonly used by residents; and
 - (d) Designated smoking areas, subject to the following conditions:
 - (i) Residents are assessed as needing supervision for smoking;
 - (ii) A staff person watches the video monitor at any time the area is used by such residents;
 - (iii) The video camera must be clearly visible;
 - (iv) The video monitor must not be viewable by the general public; and
- (3) The home must notify all residents in writing of the video monitoring equipment. The home must:
- (a) Identify in the written notification each person or organization with access to electronic monitoring; and
 - (b) Retain an acknowledgment that has been signed and dated by both the resident and the home that states in writing that the resident has received this notification.
- (4) The presence of cameras must not alter the obligation of the home to provide appropriate in-person assistance and monitoring due to individual physical or cognitive limitations.

[Statutory Authority: RCW 70.128.040 and 70.128.060. WSR 21-11-074, § 388-76-10720, filed 5/17/21, effective 8/1/21. Statutory Authority: RCW 70.128.040. WSR 09-03-029, § 388-76-10720, filed 1/12/09, effective 2/12/09. Statutory Authority: RCW 70.128.040 and chapters 70.128 and 74.34 RCW. WSR 07-21-080, § 388-76-10720, filed 10/16/07, effective 1/1/08.]