

**WAC 388-78A-2680 Electronic monitoring equipment—Audio monitoring and video monitoring.** (1) Except as provided in this section or in WAC 388-78A-2690, the assisted living facility must not use the following in the facility or on the premises:

- (a) Audio monitoring equipment; or
- (b) Video monitoring equipment if it includes an audio component.

(2) The assisted living facility may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:

- (a) Entrances, exits, and elevators as long as the cameras are:

- (i) Focused only on the entrance or exit doorways; and
- (ii) Not focused on areas where residents gather.

(b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas accessible to both residents and the public, such as, but not limited to, parking lots, provided that the purpose of such monitoring is to prevent theft, property damage, or other crime on the premises.

(d) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas, emergency exits, or exits from a secured outdoor space for memory care;

- (e) Resident fitness centers and pool areas; and

(f) Designated smoking areas, subject to the following conditions:

(i) Residents have been 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 is clearly visible;

- (iv) The video monitor is not viewable by general public; and

(v) The facility notifies all residents in writing of the use of video monitoring equipment.

(3) The assisted living facility may only video record community activities in the facility or on the premises with the audio component when the following are met:

- (a) A resident requests an activity be recorded;

(b) A sign is posted at the entry to the activity area in which the event occurs and at the time of the event, to notify residents of the video, audio recording, or both; and

(c) The facility notifies all residents in writing for each use of video and audio monitoring equipment, providing that the residents' likeness will not be used in promotional materials without their written consent.

(4) The presence of cameras must not alter the obligation of the assisted living facility to provide appropriate in-person assistance and monitoring due to individual physical or cognitive limitations.

[Statutory Authority: Chapters 18.20 and 74.39A RCW. WSR 20-02-104, § 388-78A-2680, filed 12/31/19, effective 1/31/20. Statutory Authority: Chapter 18.20 RCW. WSR 13-13-063, § 388-78A-2680, filed 6/18/13, effective 7/19/13. Statutory Authority: Chapters 18.20 and 74.34 RCW. WSR 09-01-052, § 388-78A-2680, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 18.20.090 (2004 c 142 § 19) and chapter 18.20 RCW. WSR 04-16-065, § 388-78A-2680, filed 7/30/04, effective 9/1/04.]