

**WAC 388-97-0380 Electronic monitoring equipment—Audio monitoring and video monitoring.** (1) Except as provided in this section or in WAC 388-97-0400, the nursing home 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 nursing home 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 and exits 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 not commonly used by residents, such as, but not limited to, delivery areas; and

- (d) 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.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. WSR 08-20-062, § 388-97-0380, filed 9/24/08, effective 11/1/08.]