

January 23, 2020

Chairman VanderWall and Committee Members,

Thank you for the opportunity to speak on Senate Bill 77 today. My name is Richie Farran, I am the V.P. of Government Services for the Health Care Association of Michigan – we represent more than 350 of the 440 nursing facilities in the state of Michigan.

HCAM is opposed to this legislation because it violates resident rights to privacy and dignity without achieving the goal of enhancing resident safety. Michigan facilities exceed the national average in the most important quality measures according to the Centers for Medicare and Medicaid Services. I've provided you with a quality report highlighting the exemplary care provided to seniors in Michigan's facilities – I strongly encourage you to read this and see what we do on a daily basis.

Resident safety is the top priority for nursing facilities, and good staff is the best way to protect residents. The nurses, aides, activity directors, and everyone who works in a facility are some of the most selfless and caring people you will ever meet. These caregivers are passionate about serving seniors, and they do all they can to ensure the safety and security of residents. Michigan law requires background checks for anyone who may come into contact with residents, and any subsequent conviction that precludes employment is reported to LARA which then notifies the facility. We do everything possible to make certain facilities are staffed with well-intentioned, qualified, competent caregivers – we should be grateful and proud of the work they do.

Rather than adopting a policy that violates the rights of residents and makes it more difficult for staff to do their jobs, we should be finding ways to address the workforce shortage facing Michigan's health care industry to continue meeting the staffing demands required to ensure quality care.

Additionally, facilities operate under thousands of state and federal regulations that are designed with the health and safety of residents as the top priority. If there is ANY suspicion of abuse, neglect, or exploitation of a resident by staff, a visitor, another resident, or anyone else, facilities are mandated to report the allegation to LARA and local law enforcement within two hours. When an allegation is made against an employee, they are removed pending an investigation. Failing to adequately protect residents results in serious sanctions, including fines and possible termination of staff. The vigorous regulatory environment, coupled with caring staff, provide robust protection of nursing facility residents.

**This bill will do harm to residents – not protect them.**

The bill allows for the recording of the most intimate moments of the resident's day. To call this a privacy violation is an understatement. These rooms are the residents' homes – think about everything you do in your home, in your bedroom, in your bathroom – would you want these activities recorded?

The bill makes the erroneous assumption that a resident representative will always have the best interest of the resident in mind. The resident representative is oftentimes a family member who will have access to these recordings. I currently serve on the Elder Abuse Task Force, and the assistant AGs tasked with prosecuting crimes against vulnerable and elder adults state that the majority of these perpetrators are family members and close friends.

Staff and residents often form a strong relationship – when a family asks for a camera, the trust that is so necessary between them is badly damaged. Placing cameras will also dilute the quality and frequency of visits to residents, leading to isolation.

The bill attempts to prevent the capture of medical care – however, if those in the facility have the ability to cover up or turn off the camera, what would keep someone with ill-intent from doing the same? Furthermore, there have been well-documented and frequent instances of video feeds over the internet being hacked and used maliciously, actually leading to abuse of those on camera – why would we want to expose some of our most vulnerable citizens to such attacks?

I also think it is important that you are aware of a recent study from the University of Washington and Cornell University that concluded that the installation of cameras in resident rooms may do more harm than good.

Unfortunately, abuse can and does occur anywhere, including homes and other healthcare settings. The answer to prevent abuse is not inundating society with cameras. The most effective ways to assure resident safety are through family involvement, ongoing staff satisfaction, careful screening of potential employees, and responsible abuse prevention programs. Placing a camera in a resident's room will only violate their privacy and dignity. For these reasons, we ask that the committee not support this legislation.