

POLICY NOTIFICATION

Early Notification Transmittal Date: Feb 25, 2026

Public Comment Transmittal Date: Apr 1, 2026

NOTIFICATION

DDD is proposing changes to the following policy :

Division Operations Manual, Policy 3008 Electronic Monitoring

Description of changes :

This document has been Revised to align with the Divisions updated practices .

- Definitions removed: Behavioral-Supported Group Home, Group Home, Intermediate Care Facility, & Nursing-Supported Group Home.
- Definition added: Community Residential Setting.
- Section titles have been revised.
- Guidance has been added for Service Providers regarding Devices that have been installed by Responsible Persons, noting:
 - Data shared by a Responsible Person, with the Service Provider, shall be treated as HIPAA protected material.
 - Updated information regarding Devices shall be maintained in the Contract Administration System for each Service Setting within two Business Days of any change.
 - Clarification that the Service Provider shall develop electronic monitoring policies for devices, whether or not they were installed by the Service Provider or Responsible Person.
 - Service Provider policies shall meet at least the minimum requirements as outlined in the Policy Development Tool (PDT).
 - Policies shall be submitted to the Division for review and approval before Devices are installed.
 - Service Providers shall maintain a current copy of the signed Member Consent For The Use of Electronic Monitoring Devices Installed In Group Homes (DDD-2235A) in the Service Setting.
 - What to do when a Responsible Person revokes consent for a Device that has been installed by a Responsible Person.
- Guidance for the Support Coordinator to obtain a signature from a Responsible Person who chooses to revoke consent to use of Devices in Common Areas, regardless of installation by the Service Provider or a Responsible Person(s), and update the (DDD-2235A) form.
 - Section D has been moved up in this document, and language has been added to better outline record maintenance requirements, to include timeline information.



PUBLIC COMMENT TIMELINE

Dates: Public comment will be open for 30 days beginning April 1, 2026 and closing May 1, 2026, 11:59 pm, Arizona time.

Instructions: (Complete instructions are located on the Division's [webpage](#))

- Comments may be submitted online by clicking [here](#).
- Do not include any information that is confidential, covered under HIPAA, or inappropriate for public disclosure.

If access to the online form is not available or if you have questions, please email the DDD Policy Unit at DDDpolicy@azdes.gov.

3008 ELECTRONIC MONITORING

REVISION DATES: XX/XX/XXXX, 7/9/2025

REVIEW DATES: 9/8/2025, 1/22/2024

EFFECTIVE DATE: December 27, 2023

REFERENCES: 45 CFR Part 164, A.R.S. §36-551, and A.R.S. §36.568.

PURPOSE

This policy outlines the Division's oversight and monitoring of Service Providers and the use of Electronic Monitoring Devices in Service Settings, day service site, employment site, developmental homes, and vehicles used for transportation monitored by the Division.

DEFINITIONS

- ~~1. "Behavioral Supported Group Home" or "BSGH" means a time-limited service, designed for DDD Members who have been deemed to need intensive behavioral support that supports the Member's choice to live in and access opportunities in their communities through services offered in their Group Home.~~
1. "Business Day" means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays listed in A.R.S. § 1-301.
2. "Calendar Day" means every day of the week including weekends and holidays.

3. “Common Area” means a room, including a hallway, in a Group Home, Nursing-supported Group Home, or Intermediate Care Facility, that is designed for use by multiple individuals, including Residents. Bedrooms, toileting areas, and bathing areas are excluded from this definition, regardless of the number of individuals for which the area is designed. ~~means areas inside and outside the setting designed for use by multiple individuals, including residents. Bedrooms, toileting areas, and bathing areas are excluded from this definition, regardless of the number of individuals for which the area is designed.~~
4. “Community Residential Setting” means a residential setting in which persons with developmental disabilities live and are provided with appropriate supervision by the Service Provider responsible for operating the residential setting, as specified in A.R.S. § 36-551.
5. “Direct Support Professional” or “DSP” means a person who is trained, certified, or licensed to provide specific Home and Community Based Services. ~~delivers direct support in Home and Community Based Services with current training according to the training, and/or certification or licensing requirements of the~~

~~Home and Community Based Service(s) they provide. DSPs support Members to develop independent skills and be included in their communities.~~

6. “Electronic Monitoring Device” or “Device” means any video surveillance camera or audio device that is installed in a common area, including a hallway, of a group home, nursing-supported group home or intermediate care facility, and does not include an electronic, mechanical or other Device that is specifically used for the nonconsensual interception of wire or electronic communications.
7. “Electronic Monitoring Record” means the data created by an Electronic Monitoring Device.
8. ~~“Group Home” means a community residential setting for not more than six persons individuals with developmental disabilities that is operated by a service provider under contract with the department and that provides room and board and daily habilitation and other assessed medically necessary services and supports to meet the needs of each person.~~
8. “Health Insurance Portability and Accountability Act” or “HIPAA” means the Health Insurance Portability and Accountability Act;

also known as the Kennedy-Kassebaum Act, signed August 21, 1996 as amended, Health Insurance Portability and Accountability Act of 1996 (HIPAA), Security, and Breach Notification Rules ("HIPAA Rules") and as reflected in the implementing regulations at 45 CFR Parts 160, 162, and 164.

~~"Intermediate Care Facility" or "ICF" means a facility that primarily provides health and rehabilitative services to persons individuals with Developmental Disabilities that are above the service level of room and board or supervisory care services or personal care services as defined in section 36-401. but that are less intensive than skilled nursing services (ARS 36-551).~~

9. "Member" means the same as "Client," a person receiving developmental disabilities services from the Division, as specified in A.R.S. § 36-551.~~means a person receiving developmental disabilities services from the Division.~~
10. "Nursing-Supported Group Home" or "NSGH" means a health care institution that is a community residential setting as defined in A.R.S. 36-551 for not more than six persons with developmental disabilities, that is operated by a service provider under contract with the facility contracted with Department of

~~Economic Security and that for up to six residents that provides room and board, personal care, daily habilitation, supervision, and continuous nursing support and intervention.~~

10. "Private Residence" means a residential dwelling in which the Member is currently residing, that is not an Alternative Home and Community Based Services Setting, facility, institution, or a portion of any of the following that are licensed or certified by a regulatory agency of the State as a:
- a. Health care institution under A.R.S. § 36-401.
 - b. Residential care institution under A.R.S. § 36-401.
 - c. Community Residential Setting under A.R.S. § 36-551, or
 - d. Behavioral health facility under 9 A.A.C. 20, Articles 1, 4, 5, and 6 (A.A.C. R9.101).
11. "Private Spaces" means the Member's private bedroom, toileting area, or bathing area; bedrooms and bathrooms occupied or utilized by more than one Member or staff are not included in this definition. ~~means the Member's private bedroom, toileting area, or bathing area that is only used by the same Member.~~
12. "Responsible Person" means an adult with a developmental disability who is a Member, or an applicant for whom no guardian

has been appointed, the parent or guardian of a minor with a developmental disability, or the guardian of an adult with a developmental disability.

13. "Service Provider" means a person or an agency that provides services to Members pursuant to ~~or individual operating under a contract, or service agreement~~ or Qualified Vendor Agreement with the Department to provide services to Division Members.
14. "Service Setting," in regards to this policy, means Group Homes, Nursing-Supported Group Homes, Behavioral-Supported Group Homes, or Intermediate Care Facilities used to provide care or supervision and vehicles associated with these services used to transport members.

POLICY

A. ELECTRONIC MONITORING DEVICE POLICY, POSTING, TRAINING AND MONITORING REQUIREMENTS ~~INSTALLED BY SERVICE PROVIDERS~~

1. The Division shall permit Service Providers to install Devices in Common Areas of the Service Setting.
2. The Division shall require Service Providers to permit the installation of Devices by a Responsible Person(s) in Common

Areas of a Service Setting, once consent has been obtained from each Responsible Person.

3. For Devices installed by Responsible Person(s) in a Service Setting, The Division shall not permit Service Providers, for Devices installed by Responsible Person(s) in a Service Setting, to:
- a. Turn the Device off or on;
 - b. Cover up or in any way obscure the ability of the Device to have a full view of the area chosen by the Responsible Person;
 - c. Move the Device;
 - d. In any other way assist or hamper the operation and use of the Device; or
 - e. Access data from the Device without consent from the Responsible Person who installed the Device.
4. The Division shall require the Service Provider to follow HIPAA as outlined in 45 CFR Part 164 and other applicable state and federal laws addressing confidentiality when the Responsible Person shares the data from the Devices in the Service Setting with the Service Provider.

5. The Division shall require Service Providers to maintain updated information regarding Devices in the Contract Administration System for each Service Setting within two Business Days of any change.
6. The Division shall require Service Providers to develop electronic monitoring policies for Service Settings, Day and Employment sites, and ~~or a~~ vehicle(s) used for transportation, whether the Device was installed by the Service Provider or Responsible Person.
7. The Division shall require that Service Providers electronic monitoring policies:
 - a. Meet minimum requirements as outlined in the policy development tool; and
 - b. Are submitted to the Division for review and approval before the installation of the ~~Electronic Monitoring Device(s).~~ approve the Service Provider's policies prior to in the Common Areas, ~~Group Home, BSGH, NSGH, ICF, or a vehicle used for transportation.~~

8. When the Division has approved the Service Provider's electronic monitoring policies, the Division shall require, when Devices are installed by the Service Provider, to:
- a. Evaluate, monitor, and maintain a log of Devices installed by the Service Provider at least quarterly to ensure the Devices are:
 - i. Functioning properly;
 - ii. Secure from access by unauthorized personnel; and
 - iii. Being used in compliance with this Policy;
 - b. Contain the following within each log:
 - i. The date of the monitoring;
 - ii. The name of the individual who performed the monitoring; and
 - iii. Any deficiencies identified during the monitoring.
 - c. Monitor adherence to policies and promptly address non-compliance;
 - d. Make policies, training records, training acknowledgments, evaluations, and monitoring logs available to the Division as requested.

9. The Division shall require the Service Provider installing or using Devices in Community Residential Settings, Day and Employment sites and vehicles to: either a Service Setting or a vehicle used for transportation, the Division shall require the Service Provider to

Notify the Division of the intent to install Electronic Monitoring Devices;

- a. Comply with federal regulations for the Security and Privacy of Protected Health Information found at 45 CFR Part 164 (HIPAA) and other applicable state and federal laws addressing confidentiality;
- b. Train staff on the Service Provider's electronic monitoring policy;
- c. Notify Responsible Persons in writing of Devices in use prior to the Member receiving a service or Devices will be in use; and
- d. Post a sign in a conspicuous place at the main entrance, for Service Settings and Day and Employment sites, that is:
- i. Legible;

- ii. Clearly visible; and
 - iii. Printed with a size and font that is easily readable from a reasonable distance and indicates;
 - a) Devices are in use on the premises;
 - b) The days and hours of the electronic monitoring; and
 - c) Reference A.R.S. § 36-568 as applicable.
- ~~10. The Division shall require Service Providers to submit their electronic monitoring policy for review and approval approve the Service Provider's policies prior to the installation of the Electronic Monitoring Devices in the Common Areas of a Group Home, BSGH, NSGH, ICF, a setting that is required to receive a lifesafety inspection, or a vehicle used for transportation.~~
9. The Division shall permit the Service Provider(s) to deny the Responsible Person's request for the Service Provider to install installation, by the Service Providers, for of Electronic Monitoring Devices in the Service Setting.
- ~~10. The Division shall permit Service Providers to only install Electronic Monitoring Devices in Common Areas of the Service Setting.~~

10. ~~When Members receive services in a Service Setting Group Home, BSGH, NSGH, ICF, or a vehicle used for transportation, The Division shall require consent to be obtained from each Responsible Person prior to installation of Devices in Common Areas of the Service Setting by the Service Provider.~~
11. The Division shall require the Service Providers to assist with obtaining written consent from each Responsible Person(s) upon request from the Division, whether the Device is to be installed by the Service Provider or the Responsible Person in the Service Setting, utilizing the form—Member Consent For The Use of Electronic Monitoring Devices Installed In Group Homes (DDD-2235A) form.
- a. ~~Before Installing Electronic Monitoring Devices; and~~
 - b. ~~When The location of the Service Setting changes.~~
12. The Division shall require the Service Provider to maintain a current copy of the signed Member Consent For The Use of Electronic Monitoring Devices Installed In Group Homes (DDD-2235A) in the Service Setting.
- ~~12. The Division shall not permit installation of Electronic Monitoring Devices in Common Areas of the Service Setting by the Service~~

~~Provider or Responsible Person when consent has not been obtained from each Responsible Person. has not been received.~~

- ~~13. When Members receive services in a day service, or in an employment Service Setting, including the vehicle used for transportation, The Division shall require the Service Provider to notify the Responsible Person(s) in writing that Electronic Monitoring Devices are in use in Common Areas of the when Members receive services in a Service Setting that requires an LSI.~~

- ~~7. The Division shall require the Service Provider to Prior to installing or using Electronic Monitoring Devices in either a Service Setting or a vehicle used for transportation, the Division shall require the Service Provider to:~~
- ~~a. Notify the Division of the intent to install devices;~~
 - ~~b. Comply with federal regulations for the Security and Privacy of Protected Health Information found at 45 CFR Part 164 (HIPAA) and other applicable state and federal laws addressing confidentiality;~~

- e. ~~Train staff on the the Service Providers's policies, approved usage of Electronic Monitoring Devices, and the storage of electronic records; and~~
- f. ~~Post a sign in a conspicuous place at the main entrance of each Service Setting, and in any vehicle that has electronic monitoring, requiring the sign to be:~~
 - i. ~~Legible;~~
 - ii. ~~Clearly Visible; and~~
 - iii. ~~Printed with a size and font that is easily readable and indicates;~~
 - a) ~~The days and hours of the electronic monitoring;~~
 - b) ~~Electronic Monitoring Devices are in use on the premises; and~~
 - c) ~~Reference A.R.S. § 36-568.~~

~~14. When the Division has approved the Service Provider's Electronic Monitoring policies on to use Electronic Monitoring Devices in either a Service Setting, setting that requires a Life Safety Inspection as outlined in Provider Policy Chapter 71, or a vehicle~~

~~used for transportation, the Division shall require the Service Provider to:~~

~~a. — Maintain and retain records created by the Electronic Monitoring Devices that:~~

~~i. — A Service Provider who uses an Electronic Monitoring Device to retain, store, and ensure any Electronic Monitoring Record generated by an Electronic Monitoring Device, regardless of format, is accessible for a minimum of 30 calendar days Are accessible~~

~~regardless of format, and monitored by the Service Provider for longer than 30 Calendar Days when;~~

~~a) — The Service Provider's policy specifies they maintain the records beyond 30 Calendar Days;~~

~~b) — The Service Provider anticipates legal actions for which the records may be relevant;~~

~~c) — A court order or other legal process requires the retention of all or some of the records for a longer period of time; or~~

- ~~d) — A law or regulation that supersedes this Policy requires a longer period of record maintenance.~~

- ~~ii. — Can be produced upon request by the Division, law enforcement, protective agencies, and other persons and entities entitled to access public records under the law unless otherwise restricted;~~

- ~~a. — Evaluate, and monitor, and maintain a log of all Electronic Monitoring Devices installed by the Service Provider at least quarterly to ensure the Electronic Monitoring Devices are:
 - ~~i. — Functioning properly;~~
 - ~~ii. — Secure from access by unauthorized personnel; and~~
 - ~~iii. — Being used in compliance with this Policy;~~~~

- ~~b. — Contain the following within each log:
 - ~~b. — Maintain a log of all monitoring of Electronic Monitoring Devices to include:
 - ~~i. — The date of the monitoring;~~
 - ~~ii. — The name of the individual who performed the monitoring; and~~~~~~

- iii. ~~Any deficiencies identified during the monitoring.~~
 - e. ~~Monitor adherence to policies and promptly addresses non-compliance;~~
 - d. ~~Makes policies, training records, training acknowledgments, evaluations, and monitoring logs available to the Division as requested.~~
13. The Division and Service Providers shall follow requirements as outlined in the Division Behavior Supports Manual 200 ~~may allow Service Providers to~~ when evaluating if a Member is required require Members to pay restitution costs when the a Member damages Electronic Monitoring Devices or associated equipment, ~~if the damages meet the approval requirements as outlined in Division Behavior Supports Manual 200.~~
14. ~~The Division shall require the Service Provider to take action when a Responsible Person notifies the Service Provider that they are no longer in agreement with the use of the Electronic Monitoring Devices~~ that were installed by a Responsible Person in a Service Setting Group Home, BSGH, NSGH, ICF, or in a vehicle assigned to the Service Setting used for transportation by requiring the Service Provider to:

- a. ~~Immediately stop using the Electronic Monitoring Devices;~~
 - b. ~~Notify all Responsible Persons of the discontinuation of electronic monitoring in the Service Settings service location;~~
 - c. ~~Remove the Electronic Monitoring Devices within two Business Days.~~
14. The Division shall ~~permit~~ require Service Providers to allow the Responsible Person(s) of Members who live at the Service Setting to share the cost of installation, oversight, and monitoring of the Devices maintained by the Service Provider if the Responsible Persons agree to the arrangement. ~~inform the Responsible Person that Members attending employment and day settings, receiving Group Home, BSGH, NSGH, ICF or a vehicle used for transportation, that a Service Provider may request the Responsible Person(s) to share in the costs of the installation, oversight, and monitoring of Electronic Monitoring Devices maintained by the Service Provider when the Responsible Person agrees to the arrangement.~~

15. The Division shall not permit the Service Provider to use Electronic Monitoring Devices to substitute for DSP supervision.

B. ~~INSTALLATION AND REMOVAL OF ELECTRONIC MONITORING DEVICES IN COMMON AREAS OF THE SERVICE SETTING BY THE RESPONSIBLE PERSON~~

1. ~~The Division shall require ensure Service Providers to permit the installation of Electronic Monitoring Devices by a Responsible Person(s) in Common Areas of a Service Setting, once consent has been obtained from each Responsible Person. Group Home, BSGH, ICF, NSGH, or in a vehicle, used for transportation.~~
2. ~~The Division shall require the Service Provider to include the Responsible Person's responsibilities pertaining to Electronic Monitoring Devices in the Service Provider's Electronic Monitoring Devices policy.~~
 1. The Division shall require a Support Coordinator to obtain a signature from a Responsible Person who chooses to revoke consent to use of Devices in Common Areas, regardless of installation by the Service Provider or a Responsible Person(s) to

update the Member Consent For The Use of Electronic Monitoring Devices Installed In Group Homes (DDD-2235A) form.

2. The Division shall notify the Service Provider when a Responsible Person has revoked their consent for use of Devices.
3. The Division shall require the Service Provider, once notified that a Responsible Person(s) has revoked consent of Devices installed by the Service Provider to:~~to take action when a Responsible Person notifies the Service Provider that they are no longer in agreement with the use of the Electronic Monitoring Devices that were installed by the Service Provider in a Service Setting Group Home, BSGH, NSGH, ICF, or in a vehicle assigned to the Service Setting used for transportation by requiring the Service Provider~~
 - a. Immediately stop using the ~~Electronic Monitoring Device(s);~~
 - b. Notify all Responsible Persons in writing of the discontinuation of Devices ~~electronic monitoring in the Service Settings~~service location;
 - c. Remove the ~~Electronic Monitoring Device(s)~~ within two Business Days.

- ~~4. The Division shall ensure the Service Provider permits installation of the Electronic Monitoring Devices once all of the Responsible Persons at that Group Home, BSGH, NSGH, or ICF Service Setting including the vehicle used for transportation, provide consent.~~
4. The Division shall require the Service Provider, once notified that a Responsible Person(s) has revoked consent of Devices installed by the Responsible Person(s) in the Common Areas of the Service Setting to:
- a. Request in writing to the Responsible Person(s) to immediately stop using the Devices;
 - b. Notify all Responsible Persons in writing of the discontinuation of the Devices in the Service Setting;
 - c. Request the Responsible Person(s) to remove the Devices from the Service Setting within two Business Days; and
 - d. Request the Responsible Person(s) makes any necessary repairs, at the time of removal, caused by the installation and removal of the Device(s).

- ~~5. The Division shall require the Service Provider to take action when a Responsible Person notifies the Division or the Service Provider that they no longer consent to the use of Electronic Monitoring Devices installed by the Responsible Person(s) by requiring the Service Provider to:~~
- ~~a. Ensure the Responsible Person(s) immediately stops using the Electronic Monitoring Devices;~~
 - ~~b. Notify all Responsible Persons in writing of the discontinuation of the Devices electronic monitoring in the Service Setting;
Request the Responsible Person(s) remove the Electronic Monitoring Devices within two Business Days;~~
 - ~~c. Ensure the Responsible Person makes any necessary repairs, at the time of removal, caused by the installation and removal of the Electronic Monitoring Devices; and~~
 - ~~d. Provide Support Coordination with written notice that the Responsible Person no longer consents to the use of Electronic Monitoring in the Service Setting.~~
- ~~6. The Division shall not permit Service Providers to:~~

- a. ~~Turn the Electronic Monitoring Device off or on;~~
 - b. ~~Cover up or in any way obscure the ability of the Electronic Monitoring Device to have a full view of the area chosen by the Responsible Person;~~
 - c. ~~Move the Electronic Monitoring Device;~~
 - d. ~~In any other way assist or hamper the operation and use of the Electronic Monitoring Device.~~
7. ~~The Division shall require the Service Provider to take action when a Responsible Person notifies the Division or the Service Provider that they no longer consent to the use of Electronic Monitoring Devices by requiring the Service Provider to:~~
- a. ~~Ensure the Responsible Person immediately stops using the Electronic Monitoring Devices;~~
 - b. ~~Notify all Responsible Persons of the discontinuation of electronic monitoring in the Service Setting;~~
 - c. ~~Remove the Electronic Monitoring Devices within two Business Days;~~

- ~~d. — Ensure the Responsible Person makes any necessary repairs, at the time of removal, caused by the installation and removal of the Electronic Monitoring Devices; and~~
- ~~e. — Provide Support Coordination with written notice that the Responsible Person no longer consents to the use of Electronic Monitoring in the Service Setting.~~

C. ~~ELECTRONIC MONITORING DEVICES IN PRIVATE SPACES INSTALLED BY THE RESPONSIBLE PERSONS IN A SERVICE SETTING~~

- ~~1. — The Division shall permit require Electronic Monitoring Devices in the Member's Private Spaces in a Service Setting Group Home, BSGH, NSGH, or ICF are only to be installed by the Responsible Person.~~
- 1. The Division shall require Service Providers to allow Responsible Person(s) to install Electronic Monitoring Devices in a Member's Private Space(s) in a ~~Service Setting~~ Group Home, BSGH, NSGH, or ICF.
- ~~2. — The Division shall not be responsible, or require Service Providers to be responsible for monitoring the data collected~~

~~from the Electronic Monitoring Devices including when the Responsible Person shares the data from, or access to, the Electronic Monitoring Devices.~~

- ~~3. The Division shall require the Service Provider to follow HIPAA as outlined in 45 CFR Part 164 and other applicable state and federal laws addressing confidentiality when the Responsible Person shares the data from the Electronic Monitoring Devices with the Service Provider.~~
2. When a Member moves out, with Devices in their Private Spaces moves out of the Service Setting, the Division shall require ensure the Service Provider takes action when a Member moves out of the Group Home, BSGH, NSGH, or ICF by requiring the Service Provider to ensure the Responsible Person:
 - a. Removes the ~~Electronic Monitoring Device(s)~~ from the Member's Private Spaces within two Business Days; and
 - b. Makes any necessary repairs, at the time of removal, caused by the installation and removal of the ~~Electronic Monitoring Device(s)~~.
3. The Division shall not permit the ~~ensure a Service Provider does not permit to move~~ a different Member into ~~utilize~~ the Private

Space(s) until the previously installed Electronic Monitoring Device(s) previously installed have been removed and the criteria outlined above are met.

~~D. ELECTRONIC MONITORING DEVICES INSTALLED IN PRIVATE RESIDENCES~~

- ~~1. The Division shall not permit the Service Provider to install Electronic Monitoring Devices in the Member's Private Residence.~~
- ~~2. The Division shall not provide oversight when the Responsible Person installs Electronic Monitoring Devices in the Private Residence.~~
- ~~3. The Division shall not require the Service Provider to provide oversight when the Responsible Person installs Electronic Monitoring Devices in the Private Residence.~~
- ~~4. The Division shall not permit the Service Provider or the Service Provider's staff to collect, retain, or monitor the data collected from the Electronic Monitoring Device(s) installed in the Member's Private Residence.~~

~~E. ELECTRONIC MONITORING NOTIFICATION~~

~~The Division shall require Service Providers to provide notification to Members or Responsible Persons of Electronic Monitoring Devices that~~

~~are installed in a Community Residential Setting, or other Alternative HCBS Setting, prior to:~~

- ~~a. Installation of the Electronic Monitoring Device(s); or~~
- ~~b. The Member moving into the Service Setting.~~

D. MAINTAINING AND SHARING ELECTRONIC RECORDS FOR GROUP HOMES, NSGHs, BSGHs, and ICFs

1. The Division shall require Service Providers to maintain electronic records created by ~~Electronic Monitoring Devices~~.
2. The Division shall require Service Providers to produce Electronic Monitoring Records upon request of the Division, law enforcement, protective agencies, and other persons and entities entitled to access public records unless otherwise prohibited by this policy or law.
3. The Division shall not permit Service Providers to share recordings containing images of more than one Member unless:
 - a. Required by law enforcement, protective agencies, other persons and entities entitled to access public records, or Division contract; and

- b. The images of other Members for whom they have not received a signed release of information have been de-identified.
- ~~4. The Division shall include in their policy how the records from the Electronic Monitoring Devices are shared with the Responsible Person(s).~~
- ~~5. The Division shall not permit Service Providers to share recordings containing images of more than one Member unless:~~
- ~~a. Required by law enforcement, protective agencies, other persons and entities entitled to access public records, or Division contract; and~~
- ~~b. The images of other Members for whom they have not received a signed release of information have been Service Provider has de-identified. images of Members for whom they have not received a signed release of information.~~
4. The Division shall require Service Providers with for Service Settings Group Homes, NSGHs, BSGHs, or ICFs to provide access to the Service Provider's Electronic Monitoring Device's records from the Service Setting where the Member receives services, including live stream recordings and video feed when

requested by the Responsible Person(s) ~~regardless of~~
~~cost-sharing agreements,~~ unless the Electronic Monitoring
Record contains evidence of a suspected criminal offense.

5. The Division shall require Service Providers to retain, store, and ensure any Electronic Monitoring Record generated by a Device, regardless of format, is accessible for a minimum of 30 Calendar Days.
6. The Division shall require the Service Provider to retain Electronic Monitoring Records for longer than 30 Calendar Days when:
 - a. The Service Provider anticipates legal actions for which the records may be relevant;
 - b. A court order or other legal process requires the retention of all or some of the records for a longer period of time; or
 - c. A law or regulation that supersedes this Policy requires a longer period of record maintenance.
7. The Division shall require the Service Provider, prior to the disposal of any Electronic Monitoring Record, to determine if the record has been used for Member diagnosis or treatment.
8. The Division shall require the Service Provider to treat any

Electronic Monitoring Record that has been used for Member diagnosis or treatment as a medical record and maintained in compliance with the HIPAA Privacy Rule, HIPAA Security Rule, A.R.S. § 36-568.0 and any other applicable federal and state laws.

~~The Division shall require Service Providers to produce electronic device records upon request of a Responsible Person(s), the Division, law enforcement, protective agencies, and other persons and entities entitled to access public records unless otherwise prohibited by law.~~

E. ~~ELECTRONIC MONITORING DEVICES INSTALLED IN PRIVATE RESIDENCES~~

- ~~1. The Division shall not permit the Service Provider to install Electronic Monitoring Devices in the Member's Private Residence.~~
- ~~2. The Division shall not provide oversight when the Responsible Person installs Electronic Monitoring Devices in the Private Residence.~~
- ~~3. The Division shall not require the Service Provider to provide oversight when the Responsible Person installs Electronic Monitoring Devices in the Private Residence.~~

4. The Division shall not permit the Service Provider or the Service Provider's staff to collect, retain, or monitor the data collected from the ~~Electronic Monitoring Device(s)~~ installed in the Member's Private Residence.

SUPPLEMENTAL INFORMATION

The following items need to be considered ~~and agreed upon, between the Service Provider and the Responsible Person,~~ prior to the installation of ~~Electronic Monitoring Devices: by the Responsible Person:~~

- a. The cost of the Device(s) and who is responsible for covering those costs;
- b. The cost of the internet usage for the ~~Electronic Monitoring Device(s)~~;
- c. Installation, maintenance, and removal costs of the Device(s);
- d. Subscription costs associated with using the ~~Electronic Monitoring Device(s)~~;
- e. Repairs, including when the Devices malfunction or are damaged by other Members or staff in the home;
- f. Any other costs or responsibilities associated with the ~~Electronic Monitoring Device(s)~~.

2. ~~When the Electronic Monitoring Devices are installed in Common Areas by the Responsible Person(s), the Service Provider shall not access the records, including the live stream, without written consent from all Responsible Persons for all Members who live in the setting.~~

Signature of Chief Network Administrator

Name

Date