

42 Electronic Monitoring In Program Settings

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REFERENCES: A.R.S. §12-2297, A.R.S. §36-551.01, A.R.S. §36.568,
Division Operations Policy 3008

Purpose

This policy applies to the Division’s Qualified Vendors and establishes requirements regarding the use of Electronic Monitoring Devices in Service Settings monitored by the Division.

Definitions

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.

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. "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.
6. "Health Insurance Portability and Accountability Act" or "HIPAA" means the Health Insurance Portability and Accountability Act; also known as the Kennedy-Kassebaum Act, Health Insurance Portability and Accountability Act of 1996 (HIPAA), Security, and Breach Notification Rules ("HIPAA Rules") signed August 21, 1996 as amended and as reflected in the implementing

regulations at 45 CFR Parts 160, 162, and 164.

7. "Member" means the same as "Client," a person receiving developmental disabilities services from the Division, as specified in A.R.S. § 36-551.
8. "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 or operated by the Indian tribe or tribal organization, or an urban Indian organization, and has met all the applicable standards for state licensure, regardless of whether it has actually obtained the license (AAC R929-101) 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).
9. "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.

10. "Qualified Vendor" means a provider of community developmental disability services that have applied for Qualified Vendor status, meets the criteria for Qualified Vendor status and has entered into a Qualified Vendor Agreement with the Department.
11. "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.
12. "Service Provider" means a person or agency that provides services to Members pursuant to a contract, service agreement or Qualified Vendor Agreement with the Division.
13. "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

1. Service Providers shall 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 associated with a Member who lives in the Service Setting.
2. For Devices installed by Responsible Person(s) in a Service Setting, Service Providers shall not:
 - 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. Remove or 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.

3. Service Providers shall comply with the 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 Device(s) in a Service Setting with the Service Provider.
4. Service Providers shall maintain and secure Device records regardless of format, to protect the confidentiality of Members, identifying:
 - a. Which personnel has access to the Device records;
 - b. Under what circumstances personnel can access the Device records; and
 - c. Which Device records, regardless of format, are shared with the Responsible Person(s) as stated in Section D of this Policy.
5. The Qualified Vendor shall maintain accurate electronic monitoring information in the contract administration system for each Setting by completing updates within two Business Days of any change.

6. Service Providers shall develop electronic monitoring policies for Community Residential Settings and Day and Employment Settings, and vehicles used for transportation, whether the Device was installed by the Service Provider or Responsible Person.
7. Service Providers shall ensure that their electronic monitoring policies:
 - a. Meet minimum requirements as outlined in the policy development tool; and
 - b. Are reviewed and approved by the Division before installation of the Device(s).
8. The Service Provider shall submit electronic monitoring policies for approval to the Division's Provider Network Support Unit via email at providernetworksupport@azdes.gov.
9. Upon receiving approval of electronic monitoring policies from the Division, Service Providers installing or using Devices shall:
 - 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 acknowledgements, evaluations, and monitoring logs available to the Division as requested.
- 10. Service Providers installing or using Devices in Community Residential Settings, Day and Employment sites and vehicles shall:
 - 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 the Responsible Person(s) in writing of Devices in use prior to the Member receiving a service at the Service Setting:
 - d. Post a sign in a conspicuous place at the main entrance, for Service Settings, Day Services, 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.
11. Service Providers shall ensure a signed Member Consent For The Use of Electronic Monitoring Devices (DDD-2235A) form is obtained from each Responsible Person prior to installation of Devices in the Common Areas of the Service Setting.

12. The Service Provider shall maintain a current copy of the signed (DDD-2235A) form in the Service Setting.
13. Service Providers shall 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:
 - a. Before installing Devices at the Service Setting;
 - b. When Devices are installed in the Service Setting; and
 - c. When the location of the Service Setting changes.
14. Service Providers shall follow requirements as outlined in Division Behavior Supports Manual 200 when evaluating if a Member is to pay restitution costs when a Member damages Devices or associated equipment.
15. The Service Provider shall not use Devices to substitute for DSP supervision.
16. The Service Provider shall develop and provide to the Division upon request, training that details:
 - a. The requirements related to the disclosure of the electronic

- records;
 - b. HIPAA and all other applicable laws related to confidentiality and privacy;
 - c. The maintenance and operation of the Devices and any associated storage devices;
 - d. The methods that are used to secure the electronic records;
 - e. A list of all individuals who have access to the electronic records;
 - f. The reporting method to be used in the event of any abuse of the Devices;
 - g. The reporting method to be used in the event of any breach in the security of the electronic record of the Devices; and
 - h. All policies related to the installation and use of Devices.
17. The Service Provider shall provide training for Devices:
- a. Prior to the personnel being provided access to the electronic record; and
 - b. Annually to all personnel who have access to the electronic record.

B. SERVICE SETTINGS

1. Service Providers of Service Settings shall only install, oversee, and monitor Devices in Common Areas of the Service Setting.
2. The Service Provider shall be permitted to contract with a third party to install, oversee, and monitor Devices when approved by the Division.
3. The Service Provider may 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.
4. When the Service Provider denies the Responsible Person's request for the installation of Devices in the Service Setting, the Service Provider shall provide a written response to the Responsible Person within 20 Business Days of receipt of the request.
5. When the Service Provider provides the Responsible Person with a written response, denying the Responsible Person's request for the installation of Devices in the Service Setting, the Service Provider shall include in the written response:

- a. The reason for the denial; and
 - b. Information that all Responsible Person(s) of Members in the Service Setting may agree to install a Device if the Responsible Persons pay for, install, or contract for the installation of a Device.
6. If the Service Provider approves the request, the Service Provider shall provide a written response to include the following:
- a. A time frame for the installation; and
 - b. The extent of the installation, containing a description of the location of each Device to be installed.
7. The Service Provider shall not be responsible for the installation, maintenance, or monitoring of Device(s) installed at the expense of the Responsible Persons.

C. Removal of Devices In Common Areas of Service Settings

1. Upon receiving notification that a Responsible Person has revoked consent of Devices installed by the Service Provider, the Service Provider shall:

- a. Immediately stop using the Device(s);
 - b. Notify all Responsible Person(s) in writing of the discontinuation of Devices;
 - c. Remove the Devices within two Business Days; and
 - d. Remove signage within two Business Days.
2. The Service Provider, upon receiving notification that a Responsible Person has revoked their consent of Devices installed by Responsible Person(s), shall:
- 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;
 - c. Request the Responsible Person(s) to remove the Devices 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) at the time of removal as stipulated in Form DDD-2235A; and
 - e. Update the contract administration system to reflect the change in electronic monitoring use.

3. The Service Provider shall refer a Responsible Person to their Support Coordinator when wanting to revoke their consent for Devices.

D. Maintaining and Sharing Electronic Records

1. The Service Provider shall maintain electronic records created by Devices in accordance with A.R.S. §12.2297.
2. Service Providers shall produce Electronic Device 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. Service Providers shall not 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. Images of other Members for whom they have not received a signed release of information have been de-identified.
4. Service Providers with Service Settings shall provide access to the Device records from the Service Setting where the Member

receives services, including live recordings and video feed when requested by the Responsible Person(s) unless the electronic record contains evidence of a suspected criminal offense.

5. Service Providers shall 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. When the 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.
7. Service Providers shall 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.
8. Prior to the disposal of any Device record, the Service Provider shall determine if the record has been used for Member

diagnosis or treatment.

9. The Service Provider shall treat any Electronic Device 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.

E. Private Residence

1. Service Providers shall not install Devices in the Member's Private Residence.
2. Service Provider(s) staff shall not collect, retain, monitor or maintain responsibility of the data collected from the Devices installed in the Member's Private Residence.

F. Day Services and Employment Services

1. Prior to installing or using Devices in a Service Setting and vehicle(s) used for transportation during the provision of services, the Service Provider shall:
 - a. Notify the Division's Provider Network Support Unit at providernetworksupport@azdes.gov of the intent to use Devices;

- b. Obtain approval of Device policies from the Division;
 - c. Provide to the Division a copy of the following as outlined in Provider 34:
 - i. Each approved Device policy; and
 - ii. The notice to be provided to the Responsible Person(s) regarding Devices.
 2. The Service Provider shall only use Devices in Common Areas of the Service Setting.

G. Devices In Private Space Installed by the Responsible Persons In A Service Setting

1. The Division shall require Service Providers to allow Responsible Person(s) to install Devices in a Member's Private Space(s).
2. When a Member moves out, the Division shall require the Service Provider to ensure the Responsible Person:
 - a. Removes the 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 Device(s).

3. The Division shall not permit the Service Provider to move a different Member into the Private Space(s) until the previously installed Device(s) have been removed.

Supplemental Information

The Service Provider and the Responsible Person need to consider and agree upon costs when cost sharing, as well as who is responsible for covering costs, for each of the following items prior to the installation of Devices:

1. Devices;
2. Internet usage for the Device;
3. Installation, maintenance, and removal of the Devices;
4. Subscription(s) associated with using the Device;
5. Repairs, including when the Devices malfunction or are damaged by other Members or staff in the home; and
6. Any other costs or responsibilities associated with the Device.

Megan Taylor

[Megan Taylor \(May 11, 2026 12:42:53 PDT\)](#)

Signature of Chief Network Administrator

Megan Taylor

Name

05/11/2026

Date