

# Timothy Ford Discusses Surveillance Issues At AHCA/NCAL Convention

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Einhorn, Harris, Ascher, Barbarito and Frost PC partner Timothy J. Ford recently gave a speech at the 69th Annual American Health Care Association and National Center for Assisted Living (AHCA/NCAL) Convention in San Diego, where more than 2,500 long term and post-acute care providers and 1,400 vendor partners attended to learn about the ever-changing long term care landscape. Ford's presentation entitled "Rights, Responsibilities and the Law Regarding Granny Cameras and Other Cameras in Long-Term Care" explained the laws around the country with respect to the use of audio and video recording of residents, visitors and caregivers.

"Healthcare, as a highly regulated profession, brings with it various state laws about the use of surveillance equipment in nursing homes and assisted living facilities," says Ford. "Employers must fully understand the details of the surveillance laws in their states, along with state and federal wiretapping laws, to be in compliance in their facilities."

Ford's presentation, directed to owners and operators of healthcare facilities, dug deep into the many considerations relating to the use of cameras, including privacy rights, HIPAA, the need for updated visitor policies as well as handbooks for employees and residents, and notice requirements, among other important issues.

Further, the October issue of *Provider Magazine* featured Ford's article "The Eye in the Sky: Pros and Cons" wherein Ford writes, "Often, residents and family members tout as an important tool to expose and curb elder abuse in nursing and assisted living centers. At the same time, long term care facilities raise the myriad legal and practical challenges connected to policies authorizing or prohibiting the use of surveillance cameras in their facilities. The positions of both sides warrant further exploration and discussion." Ford adds, "The legal implications can be complex, and therefore employers must take a look at their existing policies and handbooks and update as needed."

## **ABOUT TIMOTHY J. FORD, ESQ.**

Timothy Ford is a member of the Employment Law, Commercial Litigation, and Closely Held Business Law Departments at Einhorn Barbarito in Denville, N.J. He concentrates his practice in several areas of law, including representation of health care and long term care facility owners and administrators. He assists them on issues that include employment, contractual relationships with residents, real estate, and litigation matters.

## **ABOUT THE AHCA/NCAL**

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) represent more than 13,000 non-profit and proprietary skilled nursing centers, assisted living communities, sub-acute centers and homes for individuals with intellectual and developmental disabilities. By delivering solutions for quality care, AHCA/NCAL aims to improve the lives of the millions of frail, elderly and individuals with disabilities who receive long term or post-acute care in member facilities each day. For more information, please visit [www.ahca.org](http://www.ahca.org) or [www.ncal.org](http://www.ncal.org).

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