

Q&A: Right to Electronic Monitoring Extended to Illinois Assisted and Shared Living Facilities

New Law Takes Effect on January 1, 2027

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On June 26, 2026, Illinois Governor J.B. Pritzker signed HB 4517 into law ([Public Act 104-0494](#)). This legislation constitutes an amendment to the Authorized Electronic Monitoring in Long-Term Care Facilities Act (“Act”). **It takes effect on January 1, 2027.**

[Originally enacted in 2016](#), the Act provided nursing home residents with the right to install cameras or other electronic monitoring devices in their rooms. **HB 4517 now extends this right to residents of assisted living and shared housing establishments.** This amendment is reflected in Sections 5, 15, 20, 25, 30, 40, 45, 55, and 60.

The following key provisions of the Act will now apply to assisted living and shared housing establishments:

Who is Affected?

- **Assisted living and shared housing establishments** as defined in § 295.200 of the [Assisted Living and Shared Housing Act](#). § 5.

What Type of Devices May be Used?

- The Act defines an “**electronic monitoring device**” as “a surveillance instrument with a fixed position video camera or an audio recording device, or a combination thereof ... [that] broadcasts or records activity or sounds occurring in the room.” § 5.

Are There Any Restrictions on the Use of Monitoring Devices?

- **They must be installed in a fixed position (§ 5) and in a conspicuous location within the room (§ 25(d)).** Additionally, they may not be used to take still photographs or engage in non-consensual monitoring § 10(b).
- Residents must obtain written consent from all roommates. § 15(c-7). New roommates may object to recording. § 15(c-7). Roommates can withdraw their consent at any time. § 15(d).

Who Can Request the Monitoring?

- **The resident, the resident’s plenary guardian, and the parent of a resident below the age of 18 must provide written consent. § 15(a).**
- If a resident has not affirmatively objected to monitoring and lacks the capacity to consent (as determined by a physician), the following individuals may consent on the resident’s behalf, listed from highest to lowest priority:
 - the resident’s healthcare agent (POA),
 - the resident’s representative (defined as understood in § 9-10 of the [Assisted Living and Shared Housing Act](#)), or
 - a family member. § 15(a)(1)-(6)(See (3)-(6) for the specific priority of each family member).
- If a resident’s (above 18 years old) plenary guardian is consenting to electronic monitoring on the resident’s behalf, the plenary guardian must request the monitoring in the presence of an establishment employee. § 15(a-5). **In such a situation, the establishment employee must provide the resident with information regarding:**
 - the type of monitoring being used,
 - the standard conditions placed on the use of electronic monitoring devices,
 - with whom the recordings may be shared, and
 - the resident’s right to decline recording. § 15(a-5)(1)-(4).

Who Pays for the Monitoring?

- **The resident § 25(a).** However, the law envisions some public funding for the monitoring. § 27.
- If the monitoring device requires access to the internet, **the resident must make arrangements for access and pay any associated charges. § 25(b).**
- **The Department intends to create an “Assistance Program”** which will be a scholarship program to provide financial grants to residents receiving medical assistance under Article V of the Illinois Public Aid Code. §

27(a). It is the intent of the law that the Department will develop an application for the assistance. § 27(c).
The Act intends for the Department to distribute \$50,000 on an annual basis. § 27(b).

Can the Facility Charge for the Monitoring or Allow the Monitoring?

- No § 25(e).

What are the Duties of the Establishments?

- **The Establishment must make “a reasonable attempt” to accommodate the resident’s request for monitoring and any installation needs.** § 25(c).
 - The Act does not define “reasonable attempt,” but this would likely be efforts such as changing the rooms of those who have requested the electronic monitoring.
 - This is an important point because an Establishment has the burden of proving that a requested accommodation is not reasonable. § 25(c).
- **The Establishment must also provide information to the Department** as to the number of “authorized electronic monitoring notification and consent forms received annually.” § 55.
- **Additionally, the Establishment must document the request by the resident or guardian** § 20(c). The Establishment must use an approved form (to be developed by the department) to document the request and its logistics § 20(b). The form will then be contained in the resident’s clinical file § 20(c).

How Must Notice be Provided?

- **Signs must be posted by the facility** in the entrances to the buildings and the rooms being monitored, advising of the electronic monitoring devices § 30.

What are the Penalties for Non-Compliance?

- **Class B Misdemeanor:** The Act makes “knowingly hampering, obstructing, tampering with, or destroying an electronic monitoring device installed in a resident’s room” a Class B misdemeanor. § 40(a), (c).
- **Class A Misdemeanor:** A person or entity that violates this Section in the commission of or to conceal a misdemeanor offense is guilty of a Class A misdemeanor § 40(c).
- **Class 4 Felony:** A person or entity that violates this Section in the commission of or to conceal a felony offense is guilty of a Class 4 felony § 40(c).
- **Fees up to \$10,000:** Additionally, the Establishment can be held liable for intentionally retaliating or discriminating against any resident for consenting to authorized electronic monitoring or to prevent the

installation or use of an electronic monitoring device § 70. A violation of this Section is a business offense punishable by a fine not to exceed \$10,000 § 70.

Who Owns the Information From the Monitoring Device?

- **The resident.** The Establishment has no right to the footage § 45.

How Can the Information From the Monitoring Device Be Used?

- The Act expressly provides that the information “**may only be disseminated for the purpose of addressing concerns relating to the health, safety, or welfare of a resident or residents.**” § 45(b). This would expressly include litigation § 45(c).
- The Act provides that the information obtained may be “**admitted into evidence in a civil, criminal, or administrative proceeding.**” § 50. However, the information cannot have been “edited or artificially enhanced and the video recording includes the date and time the events occurred.” § 50.

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