

Office of Developmental Programs Residential Technology Evaluation Tool

Introduction

Assistive technology devices range in complexity from low-tech to high-tech. Remote Supports and certain types of high-tech devices can potentially impact individual privacy. This tool was designed to assist providers and ISP teams in using person-centered planning to determine whether assistive technology and/or remote supports are appropriate for each individual and protect their right to privacy. The tool is not a required form and providers may choose to develop their own tool. Please note that any determinations about assistive technology and privacy are limited to ODP requirements only and does not guarantee compliance with any other federal, state, or local law or regulation.

Instructions for Use

This tool includes the 10 factors that should be considered when determining whether assistive technology and/or remote supports are appropriate for each individual and protect their right to privacy, including ensuring that each individual has made an informed choice about the use of assistive technology or receiving residential services via remote supports. Each factor includes a checklist to help evaluate the strengths and weaknesses that relate to the factor. Each checklist item includes a symbol to help evaluate the factor:

- The (+) symbol means that the item supports privacy protection and/or person-centered planning.
- The (-) symbol means that the item does **not** support privacy protection and/or person-centered planning.
- The (+/-) symbol means that the item may or may not support privacy protection and/or person-centered planning based on the individual's unique needs.
- The (Φ) symbol means that the item **almost certainly** violates an individual's privacy and is not consistent with person-centered planning.

Providers may check more than one checkbox when appropriate.

Upon completion of the tool, providers will count the number of times each symbol is present based on the checklist results.

- The more (+) symbols that are present means that person-centered planning occurred or that use of assistive technology and/or remote supports likely supports an individual's right to privacy. The goal is to have as many (+) symbols as possible. Providers should review all items with a (-) symbol and make changes to improve their plan to use assistive technology and/or remote supports.
- The more (-) symbols that are present means that person-centered planning may not have occurred or use of assistive technology and/or remote supports may violate an individual's right to privacy, and providers should review all items with a (-) symbol and make changes to improve their plan to use assistive technology and/or remote supports.
- Items with a (+/-) means that person-centered planning may or may not have occurred or the use of assistive technology and/or remote supports may or may not support privacy protections; each item with the (+/-) symbol includes guidance about positive and negative factors.
- Any item with a (Φ) symbol means that providers must change their plan to use assistive technology and/or remote supports unless extenuating circumstances exist. It is strongly recommended that providers contact ODP for guidance whenever they believe that extenuating circumstances exist.

1. Individual Notice

The individual, prior to use of the device and in a manner that the individual can understand, has been educated about:

- Any assistive technology devices that will be used and how they work (+)
- Why the assistive technology device and/or remote supports is being recommended (+)

- Potential impacts to the individual's privacy by use of the assistive technology device and/or remote supports (+)
- Some of the above (-)
- None of the above (Φ)

2. Individual Consent¹

- The individual consents to use of the assistive technology device and/or remote supports in writing (+)
- The individual orally consents to use of the assistive technology device and/or remote supports (+/-)
Guidance: *Written consent should be obtained whenever possible to conclusively demonstrate consent. If oral consent is given, the provider should document the date and time consent was provided and retain it in the individual's record. It is a best practice to have a person unrelated to the provider (such as a Supports Coordinator, family member, etc.) witness the individual's oral consent.*
- The individual does not consent to use of the assistive technology device and/or remote supports (Φ)

3. Individual Control

- The individual has total control of the assistive technology device, e.g., can turn device off as desired, initiates use of the device, etc. (+)
- The individual has partial control of the assistive technology device, e.g., can request that the device be turned off (+/-)
Guidance: *Partial control is generally beneficial, although other factors such as the individual's desire to have control of the device, the individual's ability to understand how the device works, the type of device used, etc. must be considered.*
- The individual has no control of the assistive technology device, e.g., a camera placed in common areas of a Community Home, a device that is "affixed" to the individual's person, etc. (-)

4. Person-Centered Planning

Evaluation Plan (Remote Supports Only)

Prior to use of remote supports:

An evaluation plan has been developed that includes (check all that apply)(+):

- The need(s) of the individual that will be met by the remote supports (+)
 - The individual needs face-to-face supports or services during the times that remote supports will be rendered (-)
 - The individual needs physical assistance with activities of daily living during the times that remote supports will be rendered (-)
 - The individual requires assistance with medication administration during the times that remote supports are rendered, and the assistive technology used to render remote supports cannot provide assistance with medication administration (-)
 - The individual is unable to evacuate independently during a fire or other emergency (-)
- How the remote supports will ensure the individual's health, welfare and independence (+)
- The training needed to successfully utilize the technology (+)
 - A description of who will be trained (+)
 - Training regarding how to turn the technology off (if applicable) and what will happen if the technology is turned off (+)
- How the technology will be monitored to ensure it is in working order (+)

¹ The term "individual" as used in section 2 includes substitute decision-makers when the individual is unable to consent due to an inability to understand the concept of consent.

- The back-up plan that will be implemented should there be a problem with the technology (+)

OR

- An evaluation plan has not been developed (-)

Outcome Monitoring Plan (Remote Supports Only)

Prior to use of remote supports:

An outcome monitoring plan has been developed that includes (check all that apply)(+):

- The outcomes the individual is to achieve by using remote supports (+)
- How the outcomes will be measured (+)
- The frequency that the monitoring will be completed (+)

OR

- An outcome monitoring plan has not been developed (-)

5. Impact to Other Individuals

- The assistive technology and/or remote supports impacts a single individual only, e.g. a GPS watch (+)
- The assistive technology and/or remote supports impacts multiple individuals, e.g. a camera in a common area of a Community Home (+/-)
Guidance: *When a device impacts multiple individuals, complete applicable sections of this tool for everyone impacted.*

6. Location of Assistive Technology

- Outside – Exterior Grounds (+)
- Outside – Entrances and Exits (+/-)
Guidance: *Assistive Technology devices that are used exclusively to monitor an individual's visitors or control who the individual interacts with may violate the individual's right to receive visitors and communicate with them privately.*
- Inside -- Areas Inaccessible to Individuals (+)
- Inside -- Common Areas / Hallways (+/-)
Guidance: *Other factors such as impact to other individuals and the purpose of the assistive technology device should be considered when determining if the use of devices in these areas is a violation of privacy for one or more individuals.*
- Inside – Bedrooms (-)
- Inside – Bathrooms (Φ)
- Worn on Individual's Person (+/-)
Guidance: *Other factors such the purpose of the assistive technology device should be considered when determining whether this device may be a privacy violation.*

7. Purpose of Assistive Technology Device and/or Remote Supports

- Assistive Technology Device and/or Remote Supports Used In lieu of In-Person Staff or Additional Staff to Maximize Individual Independence (+)
- Ad-Hoc Monitoring of Medical Need for Single Individual (+)

- Ad-Hoc Monitoring of Behavioral Need for Single Individual (+)
- Analyzing Longitudinal Data on Individual's Behaviors for Purposes of Need Assessments / Care Planning (+)
- Crime Prevention (e.g., Property Vandalism) (+)

- Staff Supervision / Conduct Monitoring (+/-)

Guidance: Waiver-funded remote supports must be used to ensure individuals' health, welfare and independence. Waiver-funded remote supports should not be used solely for the convenience of the provider.

- Supervision / Monitoring of Individuals' Interactions with Others (-)
- Reducing Number of Paid Staff for Convenience of Provider (-)

8. Data Retention

- Data is "real time" only – no data is retained (+)
- Data is retained on a time-limited basis, e.g., 10-day retention (+)

- Data is retained on a permanent basis with no disposal schedule (+/-)

Guidance: *Retaining data on a permanent basis increases the chance that the data could be accessed by a person unauthorized to do so, but can also assist in investigating allegations of abuse or mistreatment.*

9. Data Access

Data captured by the assistive technology device is accessible to (check all that apply):

Note: In general, privacy protection increases when the fewest possible people have access to the data captured. However, this must be determined on a case-by-case basis; as such, this section is entirely (+/-).

- Unpaid (Natural) Supports
- Management Only (e.g., CEO, House Manager, etc.)
- Program Specialists or Clinical Staff
- Select Direct Support Staff
- All Direct Support Staff
- Everyone (Staff and Individuals)

10. Other Relevant Information

- A Medical professional has recommended or ordered use of the assistive technology device (+)
- The assistive technology device and/or remote supports meet the unique communication needs specific to the individual (+)
- The only alternative to the assistive technology device and/or remote supports is staff observation (e.g. in-person checks) (+)
- Need and purpose of the assistive technology device and/or remote supports is addressed in the Individual Plan (+)
- Provider has policies and procedures related to the provision of remote supports and/or assistive technology device use, including ensuring that incident management reporting requirements are met during the provision of remote supports and/or use of the assistive technology device (+)
- A Human Rights Team has reviewed use of the assistive technology device (+)

The assistive technology device has technological controls that enhance privacy protections such as thermal imagery or artificial intelligence designed for privacy protections (+)

None of the above (-)