

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE

House Bill 433 (Delegate Hecht, *et al.*)  
Environmental Matters

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Nursing Facilities - Electronic Monitoring

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This bill requires a related institution, such as a nursing home, to permit a resident or the legal representative of the resident to monitor the resident through the use of video cameras or other electronic devices.

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Fiscal Summary

**State Effect:** Any additional complaints received by the Department of Aging's Long Term Care Ombudsman could be handled with existing budgeted resources. The criminal penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** The criminal penalty provisions of this bill are not expected to significantly affect local government finances or operations.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The institution must require the resident to post a notice on the door of the resident's room stating that the room is being monitored. The resident is responsible for paying for the monitoring and must protect the privacy rights of other residents and visitors to the extent reasonably possible. A related institution must inform residents of their rights to electronic monitoring and cannot discharge or refuse to admit a resident who uses electronic monitoring.

A tape created through the use of electronic monitoring may be admissible in either a civil or criminal action brought in a Maryland court.

A person operating a related institution that does not comply with the bill's requirements is guilty of a misdemeanor and subject to a fine not exceeding \$2,000 or imprisonment not exceeding five years, or both. A person who willfully hampers, obstructs, tampers with, or destroys a monitoring device is guilty of a misdemeanor and subject to a fine not exceeding \$2,000 or imprisonment not exceeding 90 days or both.

**Current Law:** There are no provisions in current law authorizing electronic monitoring in nursing homes.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 751, was introduced in the 2000 session, but was not reported from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Board of Physicians Quality Assurance), Department of Aging, Department of Legislative Services

**Fiscal Note History:** First Reader – February 12, 2001  
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