

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 149

(Delegate Goldwater, *et al.*)

Health and Government Operations

Finance

Vera's Law

This bill requires the Department of Health and Mental Hygiene (DHMH) to develop guidelines for a nursing home that elects to use electronic monitoring with the consent of a resident or the resident's legal representative. DHMH must report on the guidelines by December 1, 2003 to the Senate Finance Committee and the House Health and Government Operations Committee.

The bill takes effect July 1, 2003.

Fiscal Summary

State Effect: The development of guidelines and the bill's reporting requirements could be handled with existing DHMH budgeted resources. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under Maryland's wiretapping and electronic surveillance laws, it is unlawful to willfully intercept any wire, oral, or electronic communication. "Interception" means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device. A person who violates these provisions is guilty of a felony and subject to imprisonment for not more than five years or a fine of not more than \$10,000, or both. There are specified

exceptions for lawful acts performed by such individuals as: (1) a switchboard operator, or wire or electronic communication service employee; (2) an investigative or law enforcement officer acting in a criminal investigation or other specified circumstances; (3) a person who is a party to the intercepted communication, where all of the parties have given prior consent; (4) an employee of a governmental emergency communications center; and (5) a person intercepting an electronic communication that is readily accessible to the general public.

There are no provisions in current law authorizing electronic monitoring in nursing homes.

Additional Information

Prior Introductions: A similar bill, HB 880, was introduced in the 2002 session. It was reported unfavorably by the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene (Developmental Disabilities Administration, Mental Hygiene Administration, Family Health Administration, Office of Health Care Quality), Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2003
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Analysis by: Susan D. John

Direct Inquiries to:
(410) 946-5510
(301) 970-5510