

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1277
Economic Matters

(Delegates Embry and Amprey)

Security Guards – Use of Force Reporting – Health Care–Related Physical Interventions

This bill establishes that a “health care-related physical intervention,” as defined by the bill, that was reported as an adverse event to the Maryland Department of Health (MDH) does not constitute a use of force incident that a licensed security guard or security guard agency must report to an employer or to the Secretary of State Police, respectively. **The bill takes effect June 1, 2024, except that if the effective date of Chapter 763 of 2023 is amended, the bill takes effect on the taking effect of Chapter 763.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Health care-related physical intervention” means an act that is (1) performed on the premises of a health care facility at the direction of a doctor or nurse while acting in the course of the doctor’s or nurse’s employment and (2) a physical action or the use of a device that cannot be easily removed to prevent, suppress, or control head, body, or limb movement, or the administration of drugs with the intent of significantly curtailing the normal mobility or normal physical activity of an individual in order to protect the individual from injuring the individual or another.

Current Law:

Use of Force Reports and Security Guards

Chapter 763, among other things, required individuals serving as security guards and employed by security guard employers to also be certified by the Secretary of State Police. Chapter 763 also requires that a security guard report any use of force against a person while providing security guard services on behalf of the licensed security guard agency or for the security guard employer to the security guard agency or the security guard employer within 48 hours after the use of force occurs. However, a security guard is not required to report any use of force against a person within 48 hours after the use of force if the security guard is seriously injured or disabled. In addition, a licensed security guard agency or security guard employer must report any use of force by a security guard while providing security guard services on its behalf to the Secretary of State Police within 48 hours after receiving the report, as specified. The use of force report must include specified information, including the type of encounter, the type of force used, and the location of the incident where force was used.

“Use of force” means (1) any physical striking of an individual; (2) any significant physical contact that restricts the movement of an individual, including control techniques; or (3) the detainment of an individual without the individual’s consent. “Use of force” includes the discharge of a firearm, of pepper mace, and the use of an electronic control device, as specified. “Use of force” does not include mere presence, verbal commands, or escorting an individual with minimal resistance.

Adverse Events and Reporting

State regulations require hospitals to implement a patient safety program and establish a near-miss and adverse event reporting process. Hospitals must report any level 1 adverse event (an adverse event that results in death or serious disability) to MDH within five days of the hospital’s knowledge that the event occurred and submit a root cause analysis and action plan for the event to MDH within 60 days. Level 2 adverse events (an adverse event that requires medical intervention to prevent death or serious disability) similarly require a root cause analysis but the submission of the analysis to MDH is optional. Level 3 adverse events (an adverse event that does not result in death or serious disability and does not require any medical intervention to prevent death or serious disability) do not require either root cause analysis or any submission to MDH.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 729 (Senator Carter) - Judicial Proceedings.

Information Source(s): Department of State Police; Maryland Department of Health; Department of Legislative Services

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js/mcr

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