

# HOUSE BILL 1409

J3, E4

5lr2448

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By: **Delegates Woorman and McComas**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations and Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Medical Care Facilities – Electronic Monitoring Devices**

3 FOR the purpose of providing for an exception to the prohibition against willfully  
4 intercepting wire or electronic communication for a resident in a medical care facility  
5 under certain circumstances; requiring a medical care facility to allow electronic  
6 monitoring of a resident under certain circumstances; providing for the admissibility  
7 of a recording made through electronic monitoring in a civil or criminal court of the  
8 State; and generally relating to electronic monitoring devices in medical care  
9 facilities.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 10–402(a)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume and 2024 Supplement)

15 BY adding to  
16 Article – Courts and Judicial Proceedings  
17 Section 10–402(c)(12)  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Health – General  
22 Section 19–343  
23 Annotated Code of Maryland  
24 (2023 Replacement Volume and 2024 Supplement)

25 BY adding to  
26 Article – Health – General  
27 Section 19–343.1

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2023 Replacement Volume and 2024 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
4 That the Laws of Maryland read as follows:

5 **Article – Courts and Judicial Proceedings**

6 10–402.

7 (a) Except as otherwise specifically provided in this subtitle, it is unlawful for any  
8 person to:

9 (1) Willfully intercept, endeavor to intercept, or procure any other person  
10 to intercept or endeavor to intercept, any wire, oral, or electronic communication;

11 (2) Willfully disclose, or endeavor to disclose, to any other person the  
12 contents of any wire, oral, or electronic communication, knowing or having reason to know  
13 that the information was obtained through the interception of a wire, oral, or electronic  
14 communication in violation of this subtitle; or

15 (3) Willfully use, or endeavor to use, the contents of any wire, oral, or  
16 electronic communication, knowing or having reason to know that the information was  
17 obtained through the interception of a wire, oral, or electronic communication in violation  
18 of this subtitle.

19 (c) **(12) (I) IN THIS PARAGRAPH, “MEDICAL CARE FACILITY” MEANS:**

20 **1. A FACILITY AS DEFINED IN § 19–343 OF THE**  
21 **HEALTH – GENERAL ARTICLE; OR**

22 **2. AN ALZHEIMER’S SPECIAL CARE UNIT OR PROGRAM**  
23 **AS DEFINED IN § 20–109 OF THE HEALTH – GENERAL ARTICLE.**

24 **(II) IT IS LAWFUL UNDER THIS SUBTITLE FOR A PERSON TO**  
25 **INTERCEPT A WIRE, ORAL, OR ELECTRONIC COMMUNICATION IN A MEDICAL CARE**  
26 **FACILITY IF THE PERSON:**

27 **1. IS A RESIDENT OF THE MEDICAL CARE FACILITY OR**  
28 **THE LEGAL REPRESENTATIVE OF A RESIDENT;**

29 **2. CONDUCTS THE ELECTRONIC MONITORING ONLY IN**  
30 **THE RESIDENT’S ROOM IN THE MEDICAL CARE FACILITY;**

1                                   **3. RECEIVED PERMISSION FROM ALL ROOMMATES OF**  
2 **THE RESIDENT, IF APPLICABLE; AND**

3                                   **4. POSTS A NOTICE ON THE DOOR OF THE RESIDENT'S**  
4 **ROOM STATING THAT THE ROOM IS BEING MONITORED BY AN ELECTRONIC**  
5 **MONITORING DEVICE.**

6                                   **Article – Health – General**

7 19–343.

8           (a) In this section and §§ 19–344, 19–345, 19–345.1, 19–345.2, and 19–345.3 of  
9 this subtitle, “facility” means a related institution that, under the rules and regulations of  
10 the Department, is a comprehensive care facility or an extended care facility.

11           (b) (1) The General Assembly intends to promote the interests and well–being  
12 of each resident of a facility.

13                   (2) It is the policy of this State that, in addition to any other rights, each  
14 resident of a facility has the following basic rights:

15                           (i) The right to be treated with consideration, respect, and full  
16 recognition of human dignity and individuality;

17                           (ii) The right to receive treatment, care, and services that are  
18 adequate, appropriate, and in compliance with relevant State and federal laws, rules, and  
19 regulations;

20                           (iii) The right to privacy;

21                           (iv) The right to be free from mental and physical abuse;

22                           (v) The right to notice, procedural fairness, and humane treatment  
23 when being transferred or discharged from a facility;

24                           (vi) The right to participate in decision making regarding transitions  
25 in care, including a transfer or discharge from a facility;

26                           (vii) The right to expect and receive appropriate assessment,  
27 management, and treatment of pain as an integral component of the patient’s care;

28                           (viii) The right to be free from physical and chemical restraints, except  
29 for restraints that a physician authorizes for a clearly indicated medical need;

30                           (ix) The right to receive respect and privacy in a medical care  
31 program; and

1 (x) The right to manage personal financial affairs.

2 (c) Each facility shall:

3 (1) Post, conspicuously in a public place, the policy set forth in subsection  
4 (b) of this section and the provisions in §§ 19–344(b) through (m), 19–345, and 19–346(i)(2)  
5 of this subtitle;

6 (2) Give a copy of the policy and those provisions:

7 (i) On admission, to the resident;

8 (ii) To the guardian, next of kin, or sponsoring agency of the resident;

9 and

10 (iii) To a representative payee of the resident;

11 (3) Keep a receipt for the copy that is signed by the person who received  
12 the copy; [and]

13 (4) Provide appropriate staff training to carry out the policy and those  
14 provisions; AND

15 (5) **ENSURE THAT A NOTICE OF THE PRESENCE OF AN ELECTRONIC**  
16 **MONITORING DEVICE IS POSTED IN ACCORDANCE WITH § 10–402(C)(12) OF THE**  
17 **COURTS ARTICLE.**

18 **19–343.1.**

19 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

21 (2) (I) **“ELECTRONIC MONITORING DEVICE” MEANS:**

22 1. **A VIDEO SURVEILLANCE CAMERA; OR**

23 2. **A MICROPHONE OR OTHER DEVICE THAT CAPTURES**  
24 **AUDIO.**

25 (II) **“ELECTRONIC MONITORING DEVICE” DOES NOT INCLUDE:**

26 1. **A DEVICE THAT IS SPECIFICALLY INTENDED TO**  
27 **CAPTURE WIRE, ELECTRONIC, OR ORAL COMMUNICATION WITHOUT NOTICE TO OR**  
28 **THE CONSENT OF A PARTY TO THE COMMUNICATIONS; OR**

1                   **2. A DEVICE THAT IS CONNECTED TO THE INTERNET OR**  
2 **THAT IS DESIGNED TO TRANSMIT DATA VIA AN ELECTRONIC COMMUNICATION.**

3                   **(3) “LEGAL REPRESENTATIVE” MEANS AN INDIVIDUAL WHO IS**  
4 **LEGALLY AUTHORIZED TO MAKE HEALTH CARE DECISIONS ON BEHALF OF ANOTHER**  
5 **INDIVIDUAL.**

6                   **(4) “MEDICAL CARE FACILITY” MEANS:**

7                   **(I) A FACILITY AS DEFINED IN § 19–343 OF THIS ARTICLE; OR**

8                   **(II) AN ALZHEIMER’S SPECIAL CARE UNIT OR PROGRAM AS**  
9 **DEFINED IN § 20–109 OF THIS ARTICLE.**

10                  **(B) (1) A MEDICAL CARE FACILITY SHALL ALLOW A RESIDENT OR THE**  
11 **LEGAL REPRESENTATIVE OF A RESIDENT TO MONITOR THE RESIDENT THROUGH**  
12 **THE USE OF AN ELECTRONIC MONITORING DEVICE.**

13                  **(2) A MEDICAL CARE FACILITY SHALL REQUIRE A RESIDENT OR THE**  
14 **LEGAL REPRESENTATIVE OF A RESIDENT WHO ENGAGES IN ELECTRONIC**  
15 **MONITORING TO POST A NOTICE ON THE DOOR OF THE RESIDENT’S ROOM THAT**  
16 **STATES THAT THE ROOM IS BEING MONITORED BY AN ELECTRONIC MONITORING**  
17 **DEVICE.**

18                  **(3) BEFORE ALLOWING A RESIDENT OR A LEGAL REPRESENTATIVE**  
19 **OF A RESIDENT TO BEGIN ELECTRONIC MONITORING, A MEDICAL CARE FACILITY**  
20 **SHALL REQUIRE THE RESIDENT OR THE LEGAL REPRESENTATIVE OF THE RESIDENT**  
21 **WHO WISHES TO ENGAGE IN ELECTRONIC MONITORING TO OBTAIN THE WRITTEN**  
22 **CONSENT FROM ALL OTHER RESIDENTS WHO SHARE THE ROOM OR THE LEGAL**  
23 **REPRESENTATIVE OF THE OTHER RESIDENTS.**

24                  **(4) ELECTRONIC MONITORING CONDUCTED UNDER THIS SECTION**  
25 **SHALL:**

26                  **(I) BE NONCOMPULSORY AND AT THE ELECTION OF THE**  
27 **RESIDENT OR LEGAL REPRESENTATIVE OF THE RESIDENT;**

28                  **(II) BE FUNDED BY THE RESIDENT OR LEGAL REPRESENTATIVE**  
29 **OF THE RESIDENT; AND**

30                  **(III) PROTECT THE PRIVACY RIGHTS OF OTHER RESIDENTS AND**  
31 **VISITORS TO THE MEDICAL CARE FACILITY TO THE EXTENT REASONABLY POSSIBLE.**

1           **(5) A MEDICAL CARE FACILITY MAY NOT REFUSE TO ADMIT AN**  
2 **INDIVIDUAL TO RESIDENCY IN THE MEDICAL CARE FACILITY OR REMOVE A**  
3 **RESIDENT FROM THE MEDICAL CARE FACILITY BECAUSE OF A REQUEST FOR**  
4 **ELECTRONIC MONITORING.**

5           **(6) A MEDICAL CARE FACILITY SHALL MAKE REASONABLE PHYSICAL**  
6 **ACCOMMODATION FOR ELECTRONIC MONITORING, BY PROVIDING:**

7                   **(I) A REASONABLY SECURE PLACE TO MOUNT AN ELECTRONIC**  
8 **MONITORING DEVICE; AND**

9                   **(II) ACCESS TO A POWER SOURCE FOR AN ELECTRONIC**  
10 **MONITORING DEVICE.**

11           **(7) A MEDICAL CARE FACILITY SHALL INFORM A RESIDENT OR THE**  
12 **LEGAL REPRESENTATIVE OF THE RESIDENT OF THE RESIDENT'S RIGHT TO ENGAGE**  
13 **IN ELECTRONIC MONITORING.**

14           **(8) A MEDICAL CARE FACILITY MAY REQUEST A RESIDENT OR THE**  
15 **LEGAL REPRESENTATIVE OF A RESIDENT TO CONDUCT ELECTRONIC MONITORING**  
16 **WITHIN PLAIN VIEW.**

17           **(C) AN ADMINISTRATOR OF THE MEDICAL CARE FACILITY MAY REQUIRE**  
18 **THAT A RESIDENT OR THE LEGAL REPRESENTATIVE OF A RESIDENT WHO WISHES TO**  
19 **INSTALL AN ELECTRONIC MONITORING DEVICE MAKE THE REQUEST IN WRITING.**

20           **(D) SUBJECT TO THE MARYLAND RULES OF EVIDENCE, A RECORDING**  
21 **CREATED THROUGH THE USE OF ELECTRONIC MONITORING ENGAGED IN UNDER**  
22 **THIS SECTION SHALL BE ADMISSIBLE IN EITHER A CIVIL OR CRIMINAL ACTION**  
23 **BROUGHT IN A MARYLAND COURT.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2025.