

# **SB729 - Security Guards - Use of Force Reporting -**

Uploaded by: Andrew Nicklas

Position: FWA



February 27, 2024

To: The Senate Judicial Proceedings Committee

From: Adventist HealthCare

Re: SB729 - Security Guards - Use of Force Reporting - Health Care-Related Physical Interventions

**POSITION: Support w/ Amendments**

Adventist HealthCare is committed to providing a safe environment for healing in all our hospitals. The safety and security of our patients, staff, and visitors is a top priority. Hospitals work hard to achieve a balance between providing a friendly, healing environment and ensuring an adequate security presence to safely and effectively respond when incidents arise. SB729 is trying to strike that balance by addressing some of the challenges created for hospitals by last year's bill SB760.

Last year, SB760 regulated security guards across the state. For many venues this brought previously absent oversight. Hospitals, however, are different from other venues, facing unique challenges and operating under an existing regulatory framework that provides oversight and accountability. SB760 presented numerous concerns for our hospitals that we seek to address through SB729. These concerns include reporting requirements that present potential HIPPA compliance concerns, a broad definition of physical contact that could include routine actions taken daily by our security personnel, the administrative burden of duplicative reporting, and a potential chilling effect on our ability ensure a safe environment.

The Centers for Medicare and Medicaid Services requires training for all hospital personnel on de-escalation and appropriate physical interventions. All Adventist HealthCare security personnel receive advanced level training from the nationally recognized Crisis Prevention Institute. The Maryland Patient Safety Program within the Maryland Department of Health (MDH) provides oversight and reporting requirements for hospitals when adverse events and injuries occur. Under this program, hospitals do not merely report that an incident occurred, rather we provide full root cause analysis and corrective action plans. This program provides a process for patients to file grievances and carries potential penalties including the revocation of a hospital license. MDH publicly reports this information in a HIPPA compliant manner.

The unique aspects of a hospital environment and existing regulatory oversight justify approaching hospital security differently than other venues. For these reasons, Adventist HealthCare supports SB729 with amendments.



# **SB 729- Security Guards - Use of Force Reporting -**

Uploaded by: Jane Krienke

Position: FWA



Maryland  
Hospital Association

**Senate Bill 729- Security Guards - Use of Force Reporting - Health Care-Related Physical Interventions**

**Position: *Support with Amendments***

February 27, 2024

Senate Judicial Proceedings Committee

**MHA Position**

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 729 with amendments.

Maryland hospitals strive to create an environment that promotes healing and a positive patient experience while protecting the health and well-being of the workforce. The security guards employed by hospitals are critical to preserve this safe environment.

Senate Bill 760 as passed last year, although well-intentioned and necessary for security guards working in unregulated spaces, presents many challenges for Maryland hospitals. We appreciate the bill sponsors' willingness to introduce SB 729 to address the field's concerns. We are working on amendments to address the following:

- The broad definition of use of force, which would include almost all every day physical actions taken by security guards to preserve the safety of patients, staff, and visitors
- Patient privacy concerns with reporting all the required information to Maryland State Police
- Concern for the chilling effect overreporting could have on retaining and recruiting hospital security guards
- Duplicative reporting requirements already established under state law
- Duplicative background check requirements as a condition of employment

Security guards receive initial and annual training on de-escalation techniques, safe patient handling, and techniques for interacting with individuals in a behavioral health crisis. Hospital security guards must adhere to requirements established by state and federal entities when interacting with patients and visitors. The Centers for Medicare & Medicaid Services (CMS) distinguishes between a health care intervention and a law enforcement interaction.<sup>1</sup> A health care intervention, although involving physical restraint, is only performed by a trained security guard at the direction of a clinician. CMS guidance states the use of weapons, including pepper spray, mace, etc. is in the application of restraint or seclusion is not a safe, appropriate health care intervention.

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<sup>1</sup> [Medicare \(cms.gov\)](https://www.cms.gov)

Hospitals already monitor and report adverse outcomes as required under the [Maryland Hospital Patient Safety Program](#). These reports are compiled in a public report that is released annually. There is also an extensive process for patients to file grievances, which must be responded to within a specified period.

We thank the bill sponsor for introducing SB 729 and look forward to continued conversation.

For these reasons, we ask for a *favorable* report on SB 729 with amendments.

For more information, please contact:  
Jane Krienke, Senior Legislative Analyst, Government Affairs  
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# **HFAM Testimony SB 729.pdf**

Uploaded by: Joseph DeMattos

Position: FWA



**TESTIMONY BEFORE THE  
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 27, 2024

Senate Bill 729: Security Guards - Use of Force Reporting - Health Care-Related Physical Interventions  
*Written Testimony Only*

**POSITION: FAVORABLE WITH AMENDMENTS**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendment for Senate Bill 729.

HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state. HFAM is affiliated with the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), which is the largest association in the United States representing long-term and post-acute care providers.

Senate Bill 729 provides that a health care-related physical intervention does not constitute use of force for purposes relating to a certain report required to be made to the Secretary of State Police; and prohibits a certain report from including information that is prohibited from disclosure by State or federal law.

On Page 2, Line 1, the language refers to a "Doctor" or "Nurse." We respectfully request that the bill also includes a Nurse Practitioners and Physician Assistants. These disciplines provide critical care and direction in healthcare facilities that may fall under the scope of this legislation and thus should be included.

Use of force in healthcare settings may involve a variety of circumstances including patient restraint, patient elopement, involuntary commitment, or criminal incidents. Doctors, nurses, nurse practitioners, and physician assistants may direct such healthcare related interventions as necessary while providing care. These incidents may pose a risk of injury to patients, residents, staff, and visitors. It is of utmost importance that healthcare settings provide a safe environment and follow statute and best practices regarding use of force.

**For these reasons, and with the proposed amendment, we request a favorable report on SB 729.**

*Submitted by:*

Joseph DeMattos, Jr.  
President and CEO  
(410) 290-5132

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Uploaded by: State of Maryland (MD)

Position: INFO





# Board of Physicians

Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair

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## 2024 SESSION POSITION PAPER

**BILL NO.:** SB 729 – Security Guards – Use of Force Reporting – Health Care–Related Physical Interventions  
**COMMITTEE:** Judicial Proceedings  
**POSITION:** Letter of Information

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

### **POSITION & RATIONALE:**

The Maryland Board of Physicians (the Board) is submitting a letter of information for Senate Bill (SB) 729 – Security Guards – Use of Force Reporting – Health Care–Related Physical Interventions.

SB 729 authorizes that health care-related interventions be performed on the premises of a health care facility. The bill further states that the interventions be under the direction of a “doctor” or nurse and be performed during the doctor’s or nurse’s employment. The Board would like to clarify the term “doctor” as stated on page 2, lines 1 and 2. The term “doctor,” as referenced in the bill, is not clearly defined and could be misconstrued to cover a wide range of individuals. The Board of Physicians itself licenses medical doctors, naturopathic doctors, doctors of osteopathic medicine, etc.

A physician, as defined in Health Occupations §14–101, is an individual who practices medicine. The Board believes that as the bill is written, changing the term “doctor” to “physician” would further clarify and bring understanding to the information presented in the bill.

Thank you for your consideration.

For more information, please contact Matthew Dudzic, Manager of Policy and Legislation, Maryland Board of Physicians, (410) 764-5042, and Oriell Harris, Health Policy Analyst Associate, OriellT.Harris@maryland.gov.

**The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.**