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March 4, 2025

The Honorable Luke Clippinger  
Chair, House Judiciary Committee  
101 Taylor House Office Building  
Annapolis, Maryland 21401

The Honorable Joseline Pena-Melnyk  
Chair, House Health and Government Operations Committee  
240 Taylor House Office Building  
Annapolis, Maryland 21401

*Re: House Bill 1409 – Health - Medical Care Facilities - Electronic Monitoring Devices*

Dear Chairs Clippinger and Pena-Melnyk:

The Office of the Attorney General (OAG) supports **House Bill 1409 – Health – Medical Care Facilities – Electronic Monitoring Devices**

Studies suggest that, before the COVID-19 pandemic, as many as 1 in 10 adults aged 60 and over would experience some form of elder abuse or neglect.<sup>1</sup> That number rose to 1 in 5 during the pandemic.<sup>2</sup> Notably, however, even those numbers may not be an accurate reflection of the problem's true scope due to underreporting by residents fearful of retribution.<sup>3</sup> The Medicaid Fraud and Vulnerable Victims Unit in the Office of the Attorney General investigates and

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<sup>1</sup> Rosay, A. B., & Mulford, C. F. (2016). Prevalence estimates and correlates of elder abuse in the United States: The National Intimate Partner and Sexual Violence Survey. *Journal of Elder Abuse & Neglect*, 29(1), 1–14.

<sup>2</sup> Chang, E. S. & Levy, B. R. (2021). High Prevalence of Elder Abuse During the COVID-19 Pandemic: Risk and Resilience Factors. *The American Journal of Geriatric Psychiatry*, 29(11), 1152–1159.

<sup>3</sup> Storey, J. E. (2020). Risk factors for elder abuse and neglect: A review of the literature. *Aggression and Violent Behavior*, 50, 101339.

prosecutes those cases. Every month our office receives 15-20 reports of vulnerable adult abuse and many of those reports involve unexplained injuries. Bruising, cuts, and broken bones do not happen on their own; yet all too often, the victim is unable to communicate what occurred due to dementia, fading memory, or other age-related issues. Sadly, those cases often go unaddressed due to lack of evidence or the word of the abuser against a non-verbal victim. Electronic monitoring offers an alternative. Cameras bear silent witness to events as they unfold and provide an unbiased account of what occurred.

Many of OAG's most successful cases over the past two years have been based on video evidence that captured the events that led to injuries. Electronic monitoring can provide both direct and circumstantial evidence for abuse prosecutions. It can also assist in investigations by providing information on potential witnesses and the timeframe of events in question. **House Bill 1409** would require certain facilities to allow electronic monitoring of residents upon request and allow any resulting footage to be used as evidence in court. Lest there be any doubt as to the usefulness of electronic monitoring in these contexts, the OAG offers the following synopsis of a recently prosecuted case.

Baltimore County police responded to an assisted living facility for a complaint of abuse of a vulnerable adult. Subsequent investigation revealed that the victims' caretaker, a licensed nursing assistant, had climbed into bed with an elderly couple on separate occasions, touching and kissing them. It was almost all captured on a "nanny cam" that was placed in the apartment by the couple's adult children. The 90+ year old man was able to relay the previous night's events to his children and law enforcement, but his wife was so traumatized by the event that she could not speak of it. The case was later prosecuted by the OAG on the basis of the video evidence. The nursing assistant was found guilty and sentenced to a period of incarceration along with probation that included a condition that she never care for elderly and vulnerable adults again. If not for the family placing the "nanny cam" in the bedroom of the elderly woman, the events that took place that night might never have come to light. In sum, the evidence provided by the in-room camera was central to the prosecution of the case and the removal of an abuser from the healthcare system.

During the 2025 Legislative Session, the OAG has put forward SB465/HB576 that would require long-term care facilities to install video monitoring in common areas to monitor resident/staff interactions. The OAG bill was designed to respect the privacy of residents while also providing the protections that come from electronic monitoring. **House Bill 1409** provides the ideal compliment to the OAG bill and would allow residents to remain under the watchful eye of their loved ones and law enforcement within their private rooms should they so choose.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on **House Bill 1409**.

Sincerely,



W. Zak Shirley