

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 751 (Delegate Hecht. *et al.*)

Environmental Matters

Nursing Facilities - Electronic Monitoring

This bill requires a related institution, such as a nursing home, to permit a resident or the legal representative of the resident to monitor the resident through the use of video cameras or other electronic devices. The institution must require the resident to post a notice on the door of the resident's room stating that the room is being monitored. The resident is responsible for paying for the monitoring and must protect the privacy rights of other residents and visitors to the extent reasonably possible. A related institution must inform residents of their rights to electronic monitoring and cannot discharge or refuse to admit a resident who uses electronic monitoring.

A tape created through the use of electronic monitoring may be admissible in either a civil or criminal action brought in a Maryland court.

A person operating a related institution that does not comply with the bill's requirements is guilty of a misdemeanor and subject to a fine not exceeding \$2,000 or imprisonment not exceeding five years, or both. A person who willfully hampers, obstructs, tampers with, or destroys a monitoring device is guilty of a misdemeanor and subject to a fine not exceeding \$2,000 or imprisonment not exceeding 90 days or both.

Fiscal Summary

State Effect: Any additional complaints received by the Department of Aging's Long Term Care Ombudsman could be handled with existing budgeted resources. The criminal penalty provisions of this bill are not expected to significantly affect State finances or operations.

Local Effect: The criminal penalty provisions of this bill are not expected to significantly affect local government finances or operations.

Small Business Effect: None.

Analysis

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

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Aging, Department of Legislative Services

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