

SENATE BILL 465

J3, O2

5lr3238
CF 5lr2637

By: **The President (By Request – Office of the Attorney General)**

Introduced and read first time: January 21, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities – Nursing Homes and Assisted Living Programs – Video**
3 **Recordings**

4 FOR the purpose of requiring nursing homes and assisted living programs to install,
5 operate, and maintain video surveillance equipment in the common areas of the
6 facilities to detect the abuse, neglect, or exploitation of residents; requiring nursing
7 homes and assisted living programs to make available certain recorded video data to
8 law enforcement and State personnel under certain circumstances; and generally
9 relating to nursing homes and assisted living programs.

10 BY adding to

11 Article – Health – General
12 Section 19–1410.4 and 19–1815
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

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

17 **Article – Health – General**

18 **19–1410.4.**

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

21 **(2) (I) “COMMON AREA” MEANS A PLACE OF SHARED ACCESS**
22 **AVAILABLE TO RESIDENTS WHERE THERE IS NO REASONABLE EXPECTATION OF**
23 **PRIVACY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) "COMMON AREA" INCLUDES:

- 2 1. A DINING AREA;
- 3 2. A MEETING ROOM;
- 4 3. A HALLWAY;
- 5 4. A FACILITY ENTRANCE;
- 6 5. AN ACTIVITY ROOM; AND
- 7 6. A LIVING ROOM.

8 (3) (I) "PRIVATE SPACE" MEANS A PLACE WITHIN A NURSING
9 HOME IN WHICH A RESIDENT HAS A REASONABLE EXPECTATION OF PRIVACY.

10 (II) "PRIVATE SPACE" INCLUDES:

- 11 1. A BEDROOM;
- 12 2. A BATHROOM;
- 13 3. A PLACE WHERE A RESIDENT RECEIVES MEDICAL
14 CARE OR NURSING SERVICES; AND
- 15 4. A PLACE WHERE A RESIDENT MEETS PRIVATELY WITH
16 VISITORS.

17 (B) A NURSING HOME LICENSED UNDER THIS SUBTITLE SHALL INSTALL,
18 OPERATE, AND MAINTAIN VIDEO SURVEILLANCE EQUIPMENT IN THE COMMON
19 AREAS OF THE FACILITY FOR THE PURPOSE OF DETECTING THE ABUSE, NEGLECT,
20 OR EXPLOITATION OF RESIDENTS.

21 (C) A NURSING HOME SHALL ENSURE THAT THE VIDEO SURVEILLANCE
22 MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION:

23 (1) IS CONTINUOUS AND WITHOUT INTERRUPTION;

24 (2) DOES NOT CAPTURE IMAGES WITHIN A PRIVATE SPACE; AND

25 (3) COMPLIES WITH THE FEDERAL ELECTRONIC COMMUNICATIONS
26 PRIVACY ACT OF 1986 AND THE MARYLAND WIRETAP ACT.

1 **(D) (1) A NURSING HOME SHALL STORE RECORDED VIDEO MAINTAINED**
2 **IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION:**

3 **(I) FOR A PERIOD OF 120 DAYS AFTER THE DAY ON WHICH THE**
4 **VIDEO WAS RECORDED; AND**

5 **(II) IN A COMMON AND ACCESSIBLE FORMAT.**

6 **(2) ON REQUEST, A NURSING HOME SHALL MAKE AVAILABLE ANY**
7 **RECORDED VIDEO DATA STORED BY THE NURSING HOME TO LAW ENFORCEMENT**
8 **AND STATE PERSONNEL THAT IS NECESSARY IN THE COURSE OF PERFORMING**
9 **THEIR OFFICIAL DUTIES.**

10 **(E) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
11 **SECTION.**

12 **19-1815.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(2) (I) "COMMON AREA" MEANS A PLACE OF SHARED ACCESS**
16 **AVAILABLE TO RESIDENTS WHERE THERE IS NO REASONABLE EXPECTATION OF**
17 **PRIVACY.**

18 **(II) "COMMON AREA" INCLUDES:**

- 19 1. **A DINING AREA;**
- 20 2. **A MEETING ROOM;**
- 21 3. **A HALLWAY;**
- 22 4. **A FACILITY ENTRANCE;**
- 23 5. **AN ACTIVITY ROOM; AND**
- 24 6. **A LIVING ROOM.**

25 **(3) (I) "PRIVATE SPACE" MEANS A PLACE WITHIN AN ASSISTED**
26 **LIVING PROGRAM FACILITY IN WHICH A RESIDENT HAS A REASONABLE**
27 **EXPECTATION OF PRIVACY.**

1 (II) "PRIVATE SPACE" INCLUDES:

2 1. A BEDROOM;

3 2. A BATHROOM;

4 3. A PLACE WHERE A RESIDENT RECEIVES MEDICAL
5 CARE OR NURSING SERVICES; AND

6 4. A PLACE WHERE A RESIDENT MEETS PRIVATELY WITH
7 VISITORS.

8 (B) AN ASSISTED LIVING PROGRAM LICENSED UNDER THIS SUBTITLE SHALL
9 INSTALL, OPERATE, AND MAINTAIN VIDEO SURVEILLANCE EQUIPMENT IN THE
10 COMMON AREAS OF THE PROGRAM FACILITY FOR THE PURPOSE OF DETECTING THE
11 ABUSE, NEGLECT, OR EXPLOITATION OF RESIDENTS.

12 (C) AN ASSISTED LIVING PROGRAM SHALL ENSURE THAT THE VIDEO
13 SURVEILLANCE MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION:

14 (1) IS CONTINUOUS AND WITHOUT INTERRUPTION;

15 (2) DOES NOT CAPTURE IMAGES WITHIN A PRIVATE SPACE; AND

16 (3) COMPLIES WITH THE FEDERAL ELECTRONIC COMMUNICATIONS
17 PRIVACY ACT OF 1986 AND THE MARYLAND WIRETAP ACT.

18 (D) (1) AN ASSISTED LIVING PROGRAM SHALL STORE RECORDED VIDEO
19 MAINTAINED IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS SECTION:

20 (I) FOR A PERIOD OF 120 DAYS AFTER THE DAY ON WHICH THE
21 VIDEO WAS RECORDED; AND

22 (II) IN A COMMON AND ACCESSIBLE FORMAT.

23 (2) ON REQUEST, AN ASSISTED LIVING PROGRAM SHALL MAKE
24 AVAILABLE ANY RECORDED VIDEO DATA STORED BY THE ASSISTED LIVING
25 PROGRAM TO LAW ENFORCEMENT AND STATE PERSONNEL THAT IS NECESSARY IN
26 THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES.

27 (E) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS
28 SECTION.

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