



Maryland
Hospital Association

January 28, 2020

To: The Honorable Luke Clippinger, Chairman
House Judiciary Committee

From: Jennifer Witten, Vice President, Government Affairs
Maryland Hospital Association

Re: Letter of Information- House Bill 239- Maryland Police Training and Standards
Commission- Body Worn Camera Policy

Dear Chairman Clippinger:

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 239. Maryland's hospitals and health systems care for millions of people each year, including treating 2.3 million in emergency departments and delivering more than 67,000 babies.

Maryland's hospitals promote a culture of safety and maintain a safe healing environment for patients, staff, and visitors. However, incidents of workplace violence and an increase in the number of patients coming to hospitals in police custody have led to more interactions between hospital personnel and law enforcement.

MHA appreciates the state's diligence in recent years to develop policies and standards for body-worn cameras, including the Maryland Body-worn Camera Procedural Reference Guide, produced by the Maryland Police and Correctional Training Commissions.ⁱ

The guide recognizes the importance of patient privacy when recording in "hospitals or other medical or psychiatric facilities," but the guidance is limited. Phrasing such as "members shall attempt to be careful to avoid, when possible, recording persons other than the suspect, complainant, and witnesses," does not provide clear direction.

Recordings in a hospital can capture protected health information of people in law enforcement custody and other patients. The Health Insurance Portability and Accountability Act requires medical facilities to safeguard protected health information, including patients' names, biometric identifiers, and full face photographic images and comparable images.ⁱⁱ In addition to patient information, we believe that hospital employees should be shielded as well. To properly protect patient information, hospitals need greater clarification and guidance on how officers—on duty and off—can use body cameras in their facilities and what protections are afforded to the recordings.

For more information, please contact:
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ⁱ Maryland Police and Correctional Training Commissions. (n.d.). “Maryland Body-worn Camera Procedural Reference Guide”
pg. 50 https://mdle.net/pdf/Body-worn_Camera_Procedural_Reference_Guide.pdf

ⁱⁱ HIPAA Journal. (April 2, 2018). “What is Considered Protected Health Information Under HIPAA?”.
<https://www.hipaajournal.com/what-is-considered-protected-health-information-under-hipaa/>