

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 736 (Delegate McIntosh. *et al.*)

Commerce and Government Matters

Fiduciary Institutions - Customer Financial Records - Allowable Disclosures

This bill authorizes a fiduciary institution to disclose a customer's financial records to the adult protective services program in a local department of social services, if the institution or its officer, employee, agent, or director believes that the customer has been subject to financial exploitation. No civil or criminal liability or cause of action arises against a fiduciary institution or its officer, employee, agent, or director for: (1) making or participating in such a disclosure or report; (2) participating in an investigation or judicial proceeding resulting from such a disclosure or report; or (3) declining to provide information that would indicate whether a report has been filed. The bill may not be construed to create a duty to make such a disclosure.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult and has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation is required to notify the local department of social services. A vulnerable adult is an adult who lacks the physical or mental capacity to provide for daily needs.

Any individual who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file a report with the local department of

social services. The local department of social services is required to begin a thorough investigation of the suspected abuse, neglect, self-neglect, or exploitation within five working days after receiving the report or, if an emergency exists, within 24 hours.

Background: The Community Services Administration of the Department of Human Resources (DHR), through local departments of social services, provides services for the elderly and for individuals with disabilities. The work is coordinated in the Office of Adult Services. Local departmental offices receive approximately 4,600 reports of adult abuse annually.

State Expenditures: An officer, employee, agent, or director of a fiduciary institution who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation, may file a report with the local department of social services under current law. The bill would allow one of the above-named individuals to release a customer's financial records as part of that report. Therefore, the bill's changes could be handled with existing budgeted resources.

DHR advises that this bill would require two additional social worker/investigator positions due to an expected increase in workload, at an approximate cost in fiscal 2001 of \$73,000.

Additional Information

Prior Introductions: None.

Cross File: SB 816 (Senator Bromwell) - Finance.

Information Source(s): Department of Human Resources; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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