

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 542
Judiciary

(Delegate Crutchfield)

Adult Protective Services - Investigations and Disclosure of Information

This bill authorizes a local department of social services to request assistance from federal law enforcement officers in an investigation relating to an alleged vulnerable adult, as appropriate. The bill also alters statutory provisions regarding the prohibited disclosure of information concerning an applicant or recipient of specified services to include adult protective services (APS).

Fiscal Summary

State Effect: State entities involved in investigations regarding vulnerable adults may experience operational efficiencies; however, the bill is not anticipated to materially affect State finances.

Local Effect: Local entities involved in investigations regarding vulnerable adults may experience operational efficiencies; however, the bill is not anticipated to materially affect State finances.

Small Business Effect: None.

Analysis

Current Law: Pursuant to the Criminal Procedure Article, “federal law enforcement officer” means an officer who may make an arrest with or without a warrant for violations of the United States Code and carry firearms in the performance of the officer’s duties. A federal law enforcement officer may make arrests (as set forth in specified statutory provisions) and execute arrest and search and seizure warrants issued under the laws of the State. Additionally, a federal law enforcement officer may exercise specified granted

powers when (1) participating in a joint investigation with officials from a State or local law enforcement unit; (2) rendering assistance to a police officer; (3) acting at the request of a local police officer or State Police officer; or (4) an emergency exists.

Reporting and Investigating Abuse of Alleged Vulnerable Adults

In general, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation must (1) notify the local department of social services and (2) if acting as a staff member of a hospital or public health agency, immediately notify and give required information to the head of the institution (or a designee). Additionally, any individual other than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file an oral or written report of the suspected abuse, neglect, self-neglect, or exploitation with the local department.

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

On request of the local department, the local State's Attorney or the appropriate law enforcement agency must assist in the investigation. As appropriate, specified entities providing services or care to the alleged vulnerable adult or whose information or expertise may be of assistance in assessing risk or planning services may assist in the investigation on the request by the local department.

Based on the investigation, the local department must (1) render or assist a vulnerable adult to receive the appropriate services in the best interests of the vulnerable adult under the APS program; (2) as appropriate, involve the local office on aging; (3) report to the appropriate local law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the alleged vulnerable adult is indicated by information provided in the initial report or by information obtained in the course of investigation; and (4) send to the local State's Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable adult, which was or should have been reported to the appropriate local law enforcement agency.

Prohibition and Exemption of Specified Information Disclosure

In general, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical

assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties. (The bill incorporates *adult protective services*.) Exempt from this prohibition is the disclosure of information:

- in accordance with a court order;
- to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer (1) public assistance, medical assistance, social services, or child welfare services programs (*the bill adds adult protective services*) or (2) voter registration; and
- to a fiduciary institution that reported suspected financial abuse or financial exploitation, if the fiduciary institution is authorized to request the information, as specified.

A person who violates this prohibition is guilty of a misdemeanor and subject to a maximum penalty of 90 days' imprisonment and/or a \$500 fine.

A fiduciary institution is required to disclose certain financial records to an APS program that is investigating suspected financial abuse or financial exploitation. In addition, an APS agency or a law enforcement agency may share specified information with a fiduciary institution that made a report of suspected financial abuse or financial exploitation.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 347 (Senator Love) - Judicial Proceedings.

Information Source(s): Maryland Department of Aging; Montgomery County; Department of Human Services; Department of Legislative Services

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