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MAYOR

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SB 702

February 20, 2020

TO: Members of the Senate Judicial Proceedings Committee

FROM: Nicholas Blendy, Deputy Director of Government Relations

RE: Senate Bill 702 – Criminal Law – Exploitation of Vulnerable Adult or Elderly Individual – Undue Influence

POSITION: SUPPORT

Chair Smith, Vice-Chair Waldstreicher, and members of the committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 702.

The Baltimore City Health Department's Division of Aging and CARE Services houses the Long-Term Care Ombudsman Program, in which certified staff advocate on behalf of long-term care residents, usually residing in nursing homes and assisted living facilities in Baltimore City. The BCA supports SB 702 because it effectively expands the definition of "undue influence" to include behaviors commonly perpetrated upon vulnerable adults, which our practitioners frequently witness and strongly oppose.

The Long-Term Care Ombudsman office receives frequent complaints of financial exploitation and abuse of older and/or vulnerable adults residing in long-term care. These individuals are increasingly trapped in a cruel web of care providers and health care professionals, who purport to have their best interests at heart, but instead, act quickly to take control of their finances, medical care and ultimately their freedom. They typically assign themselves as the older adult's representative payee, which allows them control over the individual's finances.

Then, they move individuals, often using haste and usually without their consent, from one facility to another, whether or not the facility is properly licensed, compromising what little medical care the vulnerable adult receives and isolating them from anyone who

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can help them. Through their abusive actions, the perpetrator succeeds in denying the vulnerable adult's right to self-determination and to be treated with dignity and respect.

In this context, SB 702 will be very effective. It expands the definition of vulnerability, giving the court broader discretion in categorizing a potential victim, while also expanding the type of apparent authority of a perpetrator to include care providers and health care professionals, who control necessities of life or medication or who initiate changes in personal or property rights, using haste and secrecy.

For these reasons, we respectfully request a **favorable** report on Senate Bill 702.