



**SB 851 – Maryland General and Limited Power of Attorney Act - Assistance With
Governmental Benefits and Programs**

Committee: Senate Judicial Proceedings Committee

Date: February 23, 2023

Position: Favorable With Amendments

The Maryland Bankers Association (MBA) **SUPPORTS SB 851 WITH AMENDMENTS**. This bill would authorize an agent to make gifts and transfers so that the principal would qualify for a benefit or program. While MBA supports the intent of ensuring that an agent can assist the principal with qualifying for governmental benefits, clarifying language is needed to ensure that banks are able to act upon a presented power of attorney when an action is requested to assist with governmental benefit qualification.

As the bill is drafted, if a principal gives an agent authority to make gifts to assist with qualification efforts but not the authority to self-deal, there will not be clear authority for the agent to make a gift to themselves to pay for things such as Medicaid planning. Clarifying language to allow agents, if the agent is a spouse or dependent, to make gifts to themselves to assist in benefit qualification ensures that clear authority is established. MBA also supports clarifying that the mentioned benefits and programs are governmental benefits and program, as the legislation does not currently state that.

This legislation, along with the aforementioned benefits, will ensure that Marylanders are able to qualify for the care that they so desperately need. Accordingly, MBA urges issue a **FAVORABLE** report on SB 851 **WITH AMENDMENTS**.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 30,000 Marylanders and holding more than \$181 billion in deposits in over 1,000 branches across our State. The Maryland banking industry serves about 4 million customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.