



## **TESTIMONY ON HOUSE BILL 1008**

Vulnerable Adult Banking Protection Act

*Sponsored by: Delegates Queen and Spiegel*

### **POSITION: FAVORABLE WITH AMENDMENTS**

Hearing Date: March 10, 2026

Submitted by: Mat Rice, Executive Director on behalf of People on the Go Maryland

Committees: Economic Matters

#### **Introduction**

People on the Go Maryland is Maryland's statewide self-advocacy and systems advocacy organization run for and by individuals with intellectual and/or developmental disabilities. We promote advocacy and civil rights throughout the state. We support HB 1008's intent to protect vulnerable adults from financial exploitation but have concerns that without amendments, this bill could enable discrimination against people with disabilities.

#### **Evidence of Banking Discrimination**

Banking discrimination against people with disabilities is well-documented: (1) Bank of America (2013)—DOJ settlement of \$300,000 for denying loans to adults under guardianship; (2) Danske Bank (2019)—refused service to deaf woman reporting fraud because she used her brother to relay information; (3) Royal Bank of Scotland—£4.67 million awarded for discrimination against employee with disability. Without safeguards, HB 1008 could enable similar discrimination based on presumptions rather than evidence.

#### **Required Amendments to Section 1-307**

##### **Amendment 1: No Discrimination Based Solely on Disability**

**Plain Language:** Banks cannot deny access to funds just because someone has a physical disability or uses mobility aids.

**Statutory Language:** Add subsection 1-307(G)(1): A FIDUCIARY INSTITUTION MAY NOT DELAY OR DENY A DISBURSEMENT UNDER SUBSECTION (B) SOLELY BECAUSE THE ELIGIBLE ADULT: (I) PRESENTS WITH A PHYSICAL DISABILITY; (II) HAS A SPEECH IMPAIRMENT; (III) IS ACCOMPANIED BY A SUPPORT PERSON; OR (IV) OTHERWISE EXHIBITS CHARACTERISTICS ASSOCIATED WITH VULNERABILITY ABSENT OTHER EVIDENCE OF EXPLOITATION.

## **Amendment 2: Protection for Eric's ID Butterfly Designation**

**Plain Language:** Banks cannot deny transactions because someone has a butterfly symbol on their MD driver's license (indicating hidden disability under Eric's ID Law).

**Statutory Language:** Add to 1-307(G)(2): A FIDUCIARY INSTITUTION MAY NOT DELAY OR DENY A DISBURSEMENT SOLELY BECAUSE THE ELIGIBLE ADULT PRESENTS A MARYLAND ID DISPLAYING THE BUTTERFLY SYMBOL UNDER TRANSPORTATION ARTICLE § 16-115. THE BUTTERFLY DESIGNATION SHALL NOT BE CONSTRUED AS EVIDENCE OF INCAPACITY OR VULNERABILITY TO EXPLOITATION.

## **Amendment 3: Recognition of Supported Decision-Making Agreements**

**Plain Language:** Banks must honor supported decision-making agreements (legal under MD law since 2022) where a person chooses someone to help them understand information while retaining decision-making authority.

**Statutory Language:** Add to 1-307(G)(3): (I) A FIDUCIARY INSTITUTION SHALL RECOGNIZE SUPPORTED DECISION-MAKING AGREEMENTS UNDER ESTATES AND TRUSTS ARTICLE § 13.5-801 ET SEQ. (II) A FIDUCIARY INSTITUTION MAY NOT: 1. DELAY OR DENY DISBURSEMENT SOLELY BECAUSE AN ELIGIBLE ADULT IS ASSISTED BY A SUPPORTER; 2. REQUIRE PRODUCTION OF THE AGREEMENT; 3. REQUIRE PROOF A PERSON IS ACTING AS SUPPORTER; OR 4. TREAT SUPPORTER PRESENCE AS EVIDENCE OF EXPLOITATION ABSENT OTHER CREDIBLE EVIDENCE.

## **Amendment 4: Probable Cause Requirement Beyond Disability**

**Plain Language:** Banks must have actual evidence of exploitation beyond age or disability—such as unusual transaction patterns, evidence of coercion, or recent unauthorized account changes.

**Statutory Language:** Add to 1-307(G)(4): REASONABLE BELIEF UNDER SUBSECTION (B)(1)(I) MUST BE BASED ON SPECIFIC, ARTICULABLE FACTS BEYOND THE ELIGIBLE ADULT'S AGE, DISABILITY STATUS, OR PHYSICAL PRESENTATION, INCLUDING: (I) UNUSUAL TRANSACTION PATTERNS; (II) EVIDENCE OF COERCION OR UNDUE INFLUENCE; (III) DOCUMENTED CONCERNS FROM KNOWN FAMILY; (IV) RECENT UNAUTHORIZED CHANGES THE ADULT CANNOT EXPLAIN; OR (V) OTHER OBJECTIVE EVIDENCE OF EXPLOITATION AS DEFINED IN § 1-307(A)(3).

## **Amendment 5: Protections for SSI Recipients' Spend-Down**

**Plain Language:** SSI recipients often must quickly spend funds to stay under resource limits ('spend-down'). Banks cannot delay these time-sensitive transactions based on disability alone, as delays could cause benefit loss.

**Statutory Language:** Add to 1-307(G)(5): (I) 'MEANS-TESTED BENEFIT PROGRAM' MEANS A PROGRAM WITH ASSET LIMITATIONS, INCLUDING SSI, MEDICAID, OR FOOD ASSISTANCE. (II) A FIDUCIARY INSTITUTION SHALL EXERCISE PARTICULAR CAUTION BEFORE DELAYING DISBURSEMENT WHEN THE ADULT PROVIDES NOTICE THE TRANSACTION IS NECESSARY FOR BENEFIT ELIGIBILITY VIA RESOURCE SPEND-DOWN. (III) IF DELAYED, THE INSTITUTION SHALL DOCUMENT SPECIFIC EXPLOITATION EVIDENCE BEYOND DISABILITY OR PROGRAM PARTICIPATION. (IV) THE INSTITUTION SHALL EXPEDITE REVIEW TO MINIMIZE BENEFIT IMPACT.

## **Conclusion**

These amendments ensure HB 1008 protects vulnerable adults from exploitation without enabling discrimination against people with disabilities. We recommend the committee to adopt these amendments and recommend a FAVORABLE report on HB 1008 WITH AMENDMENTS.

## **[CONTACT INFORMATION**

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