

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 690
Judiciary

(Charles County Delegation)

Judicial Proceedings

Charles County - Adult Protective Services Review Board - Membership

This bill alters the membership requirements for the Adult Public Guardianship Review Board in Charles County by authorizing the appointment of a physician's assistant or nurse practitioner in the field of psychiatry to serve on the board instead of a psychiatrist.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect Charles County government operations or finances.

Small Business Effect: None.

Analysis

Current Law: A vulnerable adult is an adult who lacks the physical or mental capacity to provide for his or her daily needs. It is the policy of the State for vulnerable adults to have access to and be provided with needed professional services sufficient to protect their health, safety, and welfare.

If a local department of social services receives a report that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation, the department is required to conduct a thorough investigation. Following an investigation, if an individual is determined to require protective services but is unwilling or unable to accept protective services voluntarily, the director may petition the court for the appointment of a guardian. A director of a local department in the county where the vulnerable adult lives may be appointed as guardian.

Every county is required to have an adult public guardianship review board. Two or more counties may agree to establish a single multicounty review board. The review board must generally review each guardianship that a public agency holds every six months. Guardianships that a public agency has held for more than one year must be reviewed at least annually, with a file review to take place at least every six months. Each time the review board reviews a guardianship, the board must recommend whether the guardianship should be continued, modified, or terminated.

Except in St. Mary's and Washington counties, each 11-member review board is required to have:

- one professional representative of a local department;
- one physician's assistant, nurse practitioner, or physician who is not a psychiatrist;
- one psychiatrist;
- one representative of a local commission on aging;
- one professional representative of a local nonprofit social service organization;
- one lawyer;
- two lay individuals;
- one registered nurse;
- one professional in the field of disabilities; and
- one person with a physical disability.

Members are not entitled to compensation but may be reimbursed for expenses. The membership of the board in St. Mary's and Washington counties is identical to the listing above except for the psychiatrist requirement; St. Mary's and Washington counties allow for a psychiatrist or *psychologist* on the review board.

In Charles County, the term of a member is four years.

Additional Information

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

Designated Cross File: None.

Information Source(s): Charles County; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2024
km/jkb Third Reader - March 8, 2024

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