

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 282

(St. Mary's County Delegation)

Judiciary

Judicial Proceedings

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**St. Mary's County - Adult Public Guardianship Review Board - Membership**

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This bill alters the membership of the Adult Public Guardianship Review Board in St. Mary's County by requiring the board to include one physician other than a psychiatrist and one psychiatrist or psychologist from the local health department.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Altering the composition of board members does not affect St. Mary's County finances.

**Small Business Effect:** None.

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**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. (*See Family Law Article § 14-102.*)

If a local department 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. (*See* Family Law Article § 14-307.)

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 that the review board reviews a guardianship, the board has to recommend whether the guardianship should be continued, modified, or terminated. (*See* Family Law Article §§ 14-401 and 14-404.)

Each 11-member review board is required to have:

- one professional representative of a local department;
- two physicians, including one psychiatrist from a local health department that employs psychiatrists;
- one representative of a local commission on aging;
- one professional representative of a local nonprofit social service organization;
- one lawyer;
- two lay individuals;
- one public health 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. (*See* Family Law Article § 14-403.)

**Background:** St. Mary's County advises that it has been difficult to find a psychiatrist to appoint to the Adult Public Guardianship Review Board due to the scarcity of psychiatrists in the county.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** St. Mary's County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2009  
ncs/kdm Revised - Enrolled Bill - May 15, 2009

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