

Department of Legislative Services
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 257
Judiciary

(St. Mary's County Delegation)

Judicial Proceedings

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

This bill repeals the requirement that a psychiatrist or psychologist member of the Adult Public Guardianship Review Board in St. Mary's County be from the local health department.

Fiscal Summary

State Effect: None.

Local Effect: None. Altering the requirements for board members does not affect St. Mary's County 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 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 County, 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. Chapter 386 of 2009 (HB 282) altered the membership requirements for the physicians on the review board in St. Mary's County. Pursuant to Chapter 386, one member must be a physician other than a psychiatrist and one must be a psychiatrist or psychologist from the local health department.

Background: St. Mary's County advises that the local health department does not employ psychiatrists or psychologists. This bill will allow the board to recruit a psychiatrist or psychologist from the community to serve on the board.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, St. Mary's County,
Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2013
ncs/kdm Revised - House Third Reader - March 19, 2013

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