

Department of Legislative Services
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 893
Judiciary

(Washington County Delegation)

Judicial Proceedings

Washington County - Adult Public Guardianship Review Board - Membership

This bill alters the membership requirements for the Adult Public Guardianship Review Board in Washington County by establishing that one of the members must be a psychiatrist *or a psychologist*.

Fiscal Summary

State Effect: None.

Local Effect: None. Altering the requirements for board members does not affect Washington 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 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 County, each 11-member review board is required to have:

- 1 professional representative of a local department;
- 1 physician's assistant, nurse practitioner, or physician who is not a psychiatrist and 1 psychiatrist;
- 1 representative of a local commission on aging;
- 1 professional representative of a local nonprofit social service organization;
- 1 lawyer;
- 2 lay individuals;
- 1 registered nurse;
- 1 professional in the field of disabilities; and
- 1 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 County is identical to the listing above except for the physician requirement. St. Mary's County requires one physician who is not a psychiatrist and one who is a psychiatrist or a psychologist.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - March 9, 2020
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