

HOUSE BILL 1191

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CF SB 797

By: ~~Delegate Pasteur~~ Delegates Pasteur, Arikan, Cardin, Conaway, Crutchfield, Embry, Kaufman, Moon, Munoz, Phillips, Schmidt, Simpson, Taylor, Toles, Williams, and Young

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Task Force on Preventing and Countering Elder Abuse**

3 FOR the purpose of establishing the Task Force on Preventing and Countering Elder
4 Abuse; and generally relating to the Task Force on Preventing and Countering Elder
5 Abuse.

6 Preamble

7 WHEREAS, The proportion of Maryland's population age 60 and older is growing
8 more rapidly than other components of the population. The U.S. Census Bureau estimates
9 that 22% of Maryland's population will be 60 and older by the year 2030, an increase of
10 26% from 2012, and the number of Marylanders 65 or older is expected to double by 2030
11 (about 1.2 million people, or nearly one in every five Marylanders). The fastest growing
12 population are people age 85 and older – people who are at increased risk for a variety of
13 illnesses and dementias resulting in greater risk for abuse and exploitation; and

14 WHEREAS, According to the National Center for Biotechnology Information, only
15 4.5% of older adults live in nursing homes; only 2% in assisted living facilities; and the
16 majority of older adults, 93.5%, live in the community; and

17 WHEREAS, According to the Governor's Office of Crime Prevention, Youth, and
18 Victim Services, in 2015, an older adult is abused every 5 seconds in Maryland; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



WHEREAS, According to the National Council on Aging, 1 in 10 adults age 60 and older are being abused; and

WHEREAS, The National Council on Aging reports that only 1 in 24 cases of elder abuse are reported to authorities, and the National Adult Protective Services Association reports that only 1 in 44 cases of financial abuse are ever reported. True Link Financial estimates that 37% of seniors are affected by financial abuse in any 5-year period and the National Council on Aging estimates the annual loss by victims of financial abuse to be at least \$36.5 billion; and

WHEREAS, § 14–101 of the Family Law Article defines “abuse” as the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person; and

WHEREAS, The General Assembly is committed to protecting vulnerable adults and all older adults from abuse, neglect, abandonment, human trafficking, and exploitation; and

WHEREAS, § 14–101 of the Family Law Article defines “vulnerable adult” as an adult who lacks physical or mental capacity to provide for the adult’s daily needs; and

WHEREAS, Laws need to be enacted pertaining to older adults not deemed vulnerable; and

WHEREAS, The General Assembly wishes to affirm its commitment to the well-being and safety of all of its older adult community members and to ensure that they will be protected and their rights respected; and

WHEREAS, Each of our elected leaders has the ability and obligation to promote safety for all older adults, including healthy and productive aging, and bringing an end to abusers not being held accountable for the harm they inflict; and

WHEREAS, The General Assembly wishes to affirm its commitment to the provision of a comprehensive, integrated set of laws that protect victims of elder abuse and exploitation; and

WHEREAS, The General Assembly wishes to affirm its commitment to enabling the courts to issue fair, just, and appropriate judgments against abusers by being educated about elder abuse and being able to recognize inherent elder abuse in cases which do not appear to be elder abuse crimes but rather other crimes committed against older adults; and

WHEREAS, Maryland’s laws on elder abuse need to be reviewed, updated, and expanded to better protect Maryland’s seniors; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) There is a Task Force on Preventing and Countering Elder Abuse.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General of Maryland, or the Attorney General's designee;

(4) the Secretary of Aging, or the Secretary's designee;

(5) the Chief of the Baltimore City Fire Department, or the Chief's designee;

(6) the Executive Director of CHANA, or the Executive Director's designee;

(7) the Maryland Chief Medical Examiner, or the Chief Medical Examiner's designee;

(8) the Director of the Office of Adult Services, or the Director's designee;

(9) the Executive Director of 2-1-1 Maryland, or the Executive Director's designee;

(10) the Director of Forensic Nursing at the Baltimore Mercy Medical Center, or the Director's designee; ~~and~~

(11) Maryland's Long-Term Care Ombudsman, or the Ombudsman's designee; and

(12) the following members appointed by the Governor:

(i) one representative of the Maryland Office of Health Care Quality;

(ii) one representative of the Baltimore City Circuit Court Guardianship program;

(iii) one representative of Maryland Legal Aid;

(iv) one representative of Baltimore Senior Legal Services;

(v) one representative of the Montgomery County Department of Health and Human Services;

(vi) one representative of the Maryland State Police;

(vii) one representative of the Maryland Health Care Commission;

(viii) one representative of the Maryland Children's Alliance;

(ix) one representative of the Maryland Banker's Association;

(x) one representative of the Montgomery County Family Justice Center; and

~~(vi)~~ (xi) one representative of the Maryland Human Trafficking Task Force.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Aging shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall:

(i) study existing laws, policies, and practices relating to elder abuse and other crimes commonly committed against older adults; and

(ii) make recommendations regarding changes to State law, policy and practice that would aid in preventing elder abuse.

(2) In making recommendations under paragraph (1)(ii) of this subsection, the Task Force shall consider:

(i) the role of the State;

(ii) the amount of resources to be expended;

(iii) ways to provide transparency to the public;

(iv) funding mechanisms;

(v) oversight measures; and

(vi) ways to prosecute elder abuse.

(g) (1) On or before December 31, 2023, the Task Force shall submit a preliminary report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before December 31, 2024, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023. It shall remain effective for a period of 2 years and, at the end of June 30, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.