

SENATE BILL 205

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(PRE-FILED)

5lr0343
CF HB 246

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Services)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Adult Protective Services**

3 FOR the purpose of specifying that certain provisions of law relating to confidentiality do
4 not prohibit the disclosure of certain information relating to adult protective services
5 or the disclosure of the identity of certain persons making certain reports under
6 certain circumstances; expanding the definition of “health practitioner” to include
7 certain emergency medical services providers in certain provisions of law relating to
8 adult protective services; and generally relating to adult protective services.

9 BY repealing and reenacting, with amendments,
10 Article – Human Services
11 Section 1–201
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 14–101(g) and 14–308
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2024 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Human Services**

22 1–201.

23 (a) Except as provided in subsection (b) of this section, a person may not disclose

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 any information concerning an applicant for or recipient of social services, child welfare
 2 services, cash assistance, food stamps, or medical assistance that is directly or indirectly
 3 derived from the records, investigations, or communications of the State, a county, or a
 4 municipal corporation or a unit of the State, a county, or a municipal corporation or that is
 5 acquired in the course of the performance of official duties.

6 (b) This section does not prohibit the disclosure of information:

7 (1) in accordance with a court order;

8 (2) to an officer or employee of any state or local government[,] **OR** the
 9 United States, [or a fiduciary institution,] if the officer or employee is entitled to the
 10 information in an official capacity and the disclosure is necessary to administer:

11 (i) public assistance, medical assistance, social services, or child
 12 welfare services programs; or

13 (ii) voter registration in accordance with § 3–203 of the Election Law
 14 Article; [or]

15 (3) to a fiduciary institution that reported suspected financial abuse or
 16 financial exploitation, if the fiduciary institution is authorized to request the information
 17 under § 1–306(h) of the Financial Institutions Article; **OR**

18 **(4) RELATING TO ADULT PROTECTIVE SERVICES, TO AN OFFICER OR**
 19 **EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT OR THE UNITED STATES IF THE**
 20 **OFFICER OR EMPLOYEE IS RESPONSIBLE FOR CONDUCTING AN INVESTIGATION IN**
 21 **AN OFFICIAL CAPACITY AND THE DISCLOSURE IS RELEVANT TO THE INVESTIGATION.**

22 (c) A person who violates this section is guilty of a misdemeanor and on conviction
 23 is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

24 Article – Family Law

25 14–101.

26 (g) **(1)** “Health practitioner” includes any person who is authorized to practice
 27 healing under the Health Occupations Article **OR, EXCEPT AS PROVIDED IN PARAGRAPH**
 28 **(2) OF THIS SUBSECTION, § 13–516 OF THE EDUCATION ARTICLE.**

29 **(2) “HEALTH PRACTITIONER” DOES NOT INCLUDE AN EMERGENCY**
 30 **MEDICAL DISPATCHER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE.**

31 14–308.

32 (a) Subject to the provisions of subsection (b) of this section, the identity of any

1 person who makes a report under § 14–302 of this subtitle shall be confidential.

2 (b) The identity of a person who makes a report under § 14–302 of this subtitle
3 may be disclosed if:

4 (1) the person consents; [or]

5 (2) the court orders the disclosure; **OR**

6 **(3) THE DISCLOSURE OCCURS IN ACCORDANCE WITH § 1–201 OF THE**
7 **HUMAN SERVICES ARTICLE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2025.