

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 205

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Human Services)

Judicial Proceedings

Human Services - Adult Protective Services

This departmental bill specifies an exception to the general prohibition against the disclosure of any information concerning an applicant or recipient of specified services. In relation to adult protective services (APS), disclosure of information is not prohibited to an officer or employee of any state or local government or the United States if the officer or employee is responsible for conducting an investigation in an official capacity and the disclosure is relevant to the investigation. The identity of a person who makes a mandatory report of the potential abuse, neglect, self-neglect, or exploitation of an alleged vulnerable adult may be disclosed if in accordance with the aforementioned provisions. The bill also expands the definition of “health practitioner” that is applicable to statutory provisions regarding the mandatory reporting by certain individuals of alleged vulnerable adults.

Fiscal Summary

State Effect: State entities involved in investigations regarding vulnerable adults may experience operational efficiencies; however, the bill is not anticipated to materially affect State finances.

Local Effect: Local entities involved in investigations regarding vulnerable adults may experience operational efficiencies; however, the bill is not anticipated to materially affect local finances.

Small Business Effect: The Department of Human Services (DHS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: “Health practitioner” includes any person who is authorized to practice healing under the Health Occupations Article *or* §13-516 of the Education Article. However, “health practitioner” does not include an emergency medical dispatcher (EMD), as defined in §13-516 of the Education Article.

Current Law: In general, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties. Exempt from this prohibition is the disclosure of information:

- in accordance with a court order;
- to an officer or employee of any state or local government, the United States, or a *fiduciary institution*, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer (1) public assistance, medical assistance, social services, or child welfare services programs or (2) voter registration (the bill removes this reference to a fiduciary institution); and
- to a fiduciary institution that reported suspected financial abuse or financial exploitation, if the fiduciary institution is authorized to request the information, as specified.

A person who violates this prohibition is guilty of a misdemeanor and subject to a maximum penalty of 90 days’ imprisonment and/or a \$500 fine.

A fiduciary institution is required to disclose certain financial records to an APS program that is investigating suspected financial abuse or financial exploitation. In addition, an APS agency or a law enforcement agency may share specified information with a fiduciary institution that made a report of suspected financial abuse or financial exploitation.

Reporting and Investigating Abuse of Alleged Vulnerable Adults

In general, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation must (1) notify the local department of social services and (2) if acting as a staff member of a hospital or public health agency, immediately notify and give required information to the head of the institution (or a designee). Additionally, any individual other

than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file an oral or written report of the suspected abuse, neglect, self-neglect, or exploitation with the local department.

The local department must begin a thorough investigation within 5 working days after the receipt of the report of suspected abuse, neglect, self-neglect, or exploitation or within 24 hours after the receipt of the report of suspected abuse, neglect, self-neglect, or exploitation if the report indicates that an emergency exists.

Based on the investigation, the local department must (1) render or assist a vulnerable adult to receive the appropriate services in the best interests of the vulnerable adult under the APS program; (2) as appropriate, involve the local office on aging; (3) report to the appropriate local law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the alleged vulnerable adult is indicated by information provided in the initial report or by information obtained in the course of investigation; and (4) send to the local State's Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable adult, which was or should have been reported to the appropriate local law enforcement agency.

The identity of any person who makes a report must be confidential. However, the identity of a person who makes a report may be disclosed if the person consents or the court orders the disclosure.

Health Practitioners

In general, the Health Occupations Article authorizes individuals to practice healing through the licensure, certification, or registration under several [health professional licensing boards](#). Section 13-516 of the Education Article governs licenses issued by the Emergency Medical Services Board (cardiac rescue technicians, EMDs, emergency medical responders, emergency medical technicians, and paramedics).

Background: According to DHS, the existing prohibition against the release of records (absent a court order) creates delays and barriers for relevant agencies in accessing critical information necessary to protect vulnerable adults. Although statutory provisions allow the release of records to law enforcement during ongoing investigations, collaboration among governmental investigative entities is hindered since the provision does not cover closed cases or reports that did not prompt investigatory responses.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 246 (Chair, Judiciary Committee)(By Request - Departmental - Human Services) - Judiciary.

Information Source(s): Maryland Department of Aging; Cecil, Frederick, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Human Services; Department of Legislative Services

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rh/jkb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Human Services – Adult Protective Services

BILL NUMBER: SB 205

PREPARED BY: Kelly Charles/ Shalini Arora

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

2025 SSA/OAS Legislative Proposal: Adult Protective Services (APS) proposed legislation alters the confidentiality statute (Hum. Servs. § 1-201) regarding APS records. All workers potentially tasked with additional responsibilities because of this legislative change are governmental employees. Therefore, any additional duties imposed by this proposed legislative change will have no economic impact on Maryland small businesses.