

Bresnahan_FAV_SB 833

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Position: FAV



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**SB0833 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study
SUPPORT
Senate Judicial Proceedings Committee
March 4th, 2020**

Good Afternoon Chairman Smith and Members of the Senate Judicial Proceedings Committee. I am Tammy Bresnahan. I am the Director of Advocacy for AARP MD. AARP Maryland is one of the largest membership-based organizations in the Free State, encompassing almost 900,000 members. AARP MD overwhelmingly supports **SB0833 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Stud. We thank Senator Benson for sponsoring this legislation.**

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

SB 833 authorizes the Social Services Administration within the Department of Human Services (Department) to establish and maintain a centralized confidential database for abused and neglected vulnerable adults. It authorizes the Department or a local department of social services to identify in the database an individual responsible for abuse and neglect of a vulnerable adult after an investigation. Section two of the bill establishes a Workgroup to study best practices for a Vulnerable Adult Registry.

The registry as proposed is a system for maintaining the identity of individuals who are found, only as a result of an Adult Protective Services investigation and to have an indicated finding of abuse, neglect or exploited seniors or adults (18 and older) living in the community or in a facility. The purpose of the registry is to make this information available to individuals, agencies or employers who are authorized to receive the information.

AARP believes SB 833 is a step in the right direction in an effort to protect vulnerable adults in a health care facility. Oversight measures in facilities or others that care for Maryland's most vulnerable adults must ensure that direct service workers are appropriately screened for criminal backgrounds, including a finger print check and review of state protective services and abuse registries.

Over half the states in the United States (26) now have abuser registries for perpetrators of elder and vulnerable adult abuse.¹ It is time for Maryland to join the ranks. For these reasons, we request the Committee for a FAVORABLE report. For questions or additional information, please feel free to contact Tammy Bresnahan, Director of Advocacy at tbresnahan@aarp.org or by calling 410-302-8451.

¹ <https://eldermistreatment.usc.edu/adult-protective-services-abuse-registry-national-report/>

MSCAN_FAV_SB 833

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Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

*Alzheimer's
Association,
Maryland Chapters*

*Baltimore Jewish
Council*

Catholic Charities

*Central Maryland
Ecumenical Council*

Church of the Brethren

*Episcopal Diocese of
Maryland*

*Housing Opportunities
Commission of
Montgomery County*

*Jewish Community
Relations Council of
Greater Washington*

*Lutheran Office on
Public Policy in
Maryland*

*Maryland Association of
Area Agencies on Aging*

*Maryland Catholic
Conference*

*Mental Health
Association of Maryland*

Mid-Atlantic LifeSpan

NAACAP- Maryland

*National Association of
Social Workers,
Maryland Chapter*

Presbytery of Baltimore

*The Coordinating
Center*

*MSCAN Co-Chairs:
Carol Lienhard
Kimberly Burton
443-901-1550 x 210*

Testimony in Support of SB0833 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study SUPPORT Senate Judicial Proceedings Committee March 4th, 2020

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing and care needs of Maryland's low and moderate-income seniors.

SB 833 authorizes the Social Services Administration within the Department of Human Services (Department) to establish and maintain a centralized confidential database for abused and neglected vulnerable adults. It authorizes the Department or a local department of social services to identify in the database an individual responsible for abuse and neglect of a vulnerable adult after an investigation. Section two of the bill establishes a Workgroup to study best practices for a Vulnerable Adult Registry.

The registry as proposed is a system for maintaining the identity of individuals who are found, only as a result of an Adult Protective Services investigation and have an indicated finding of abuse, neglect or exploited a vulnerable adult (18 and older).

Adult protective services provide some safe guards but are called into investigate after the fact. We know abuse occurs without regard to race, income, education, place of residence, or living arrangements.

Oversight measures in these facilities must ensure that direct service workers are appropriately screened for criminal backgrounds, including a finger print check and review of federal and state protective service and abuse registries.

For these reasons, we request a FAVORABLE report for SB 833. For questions or additional information, please feel free to contact Tammy Bresnahan, Director of Advocacy at tbresnahan@aarps.org or by calling 410-302-8451.

Director Brown Burnett_FAV_SB833

Uploaded by: Brown-Burnett, Gloria

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: Senate Bill 833 – Adult Protective Services – Vulnerable Adults Registry – Investigations Records of Abuse and Neglect and Workgroup Study

SPONSOR: Senators Benson and Augustine

HEARING DATE: March 4, 2020

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: SUPPORT

The Prince George's County Department of Social Services (the Department) **SUPPORTS Senate Bill 833**, which will require local departments of social services to report individuals who have been determined after an Adult Protective Services (APS) investigations to have abused or neglected a vulnerable adult to a centralized Vulnerable Adult Abuse Registry. This bill allows for the individual to request a conference with the supervisor and/or contest the finding through an appeals process. **Senate Bill 833** also requires that the Social Services Administration (SSA) of the Department of Human Services (DHS) adopt regulations surrounding acquisition of records, confidentiality, creation of a centralized confidential database and establishing a workgroup to study best practices for a Vulnerable Adult Registry in Maryland. The workgroup would study and make recommendations to the Governor, General Assembly, and the Department of Legislative Services regarding the implementation of the registry.

Senate Bill 833 will have a positive impact on the Adult Protective Services (APS) Program within the State of Maryland. Currently the State of Maryland has no reporting system to retain names of indicated maltreaters of vulnerable adults as is within the child welfare system. This has left many vulnerable adults exposed to a population of maltreaters who work in various settings where the vulnerable adult may be considered as prey to them. A reporting registry of vulnerable adult maltreaters indicated by APS investigations would be beneficial in that it would pose consequences for those individuals even if they are not criminally prosecuted. This registry would also serve as a screening tool in assisting community partners such as long-term nursing facilities and other agencies that employ individuals who work with vulnerable adults, seniors, and disabled adults. These community partners

along with the public would be able to check the registry prior to offering employment to applicants or on-boarding volunteers. Subsequently, providing a safety net of protection to our vulnerable adults, seniors and the disabled in the community.

The Department has indicated many cases where abuse, neglect or exploitation have occurred. One such case stands out. There was an allegation of neglect and financial exploitation of a senior couple. The alleged maltreater in the referral was listed as their adult son. The case was indicated for neglect by others and financial exploitation by the APS Investigator. The case was then referred to the Financial Crimes unit within the Prince George's County Police Department. The Police Department initiated an investigation, however, the couple refused to press charges on their son and thus would not cooperate with the investigation. The son was unemployed at the time. The concern is that he could at any time apply for employment with an agency/company that services vulnerable adults. Without an Abuse Registry, the employer as well as the vulnerable adults are prey for this indicated maltreater and others like him.

The National Adult Protective Services Association (NAPSA) conducted a nationwide study of APS national registries. The project focused on state registries that fit the definition: "a system for maintaining the identity of individuals who are found, only as a result of an APS investigation, to have abused, neglected or exploited seniors or adults (18 and older) with disabilities living in the community or in a facility. The purpose of such a registry is to make this information available to individuals, agencies or employers who are authorized to receive such information." The study of existing registries revealed that the registry reduces access of abusers to vulnerable adults and improves hiring practices of providers. Also, common components of APS abuse registries included perpetrator notification and the existence of due process provisions. It is expected that the work group would operate similar to the NAPSA project and study the best practices of a Vulnerable Adult Registry in Maryland and make the appropriate recommendations prior to the deadline indicated in the bill.

For the reasons stated above, the Prince George's County Department of Social Services **SUPPORTS Senate Bill 833 AS AMENDED** and asks for a **FAVORABLE** report.

MHAMD_FAV_SB 833

Uploaded by: Burton, Kim

Position: FAV

Testimony in Support of SB0833 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study

Senate Judicial Proceedings

March 4, 2020

The Mental Health Association of Maryland (MHAMD) is a voluntary, non-profit citizens' organization concerned with all aspects of behavioral health. MHAMD's Coalition on Mental Health and Aging (the Coalition) is comprised of representatives from aging, mental health, consumer, family and professional associations and government agencies working together to improve the quality and accessibility of behavioral health assessment, treatment, recovery and illness prevention services for older Marylanders. This testimony represents support from both MHAMD and the Coalition on Mental Health and Aging for SB0833.

The Adult Protective Services statute has remained relatively unchanged since the 1980's. What has changed is the incidence of abuse, neglect and exploitation of older adults and adults with disabilities. Rates of abuse are climbing fast and individuals with behavioral health disorders are particularly vulnerable to abuse of all sorts.

Unfortunately, there are perpetrators of abuse who move across care settings and through communities and a lack of adequate protections for current and future victims of their crimes. SB0833 seeks to prevent abusers from working with vulnerable adults through the establishment of a registry, with a balance of appeal options that are fair and just in light of the terrible crimes of abuse. This approach has been effective in Maryland's child welfare system and SB0833 leverages that success by incorporating language that mirrors the Child Protective Services law established to curb child abuse. In addition, SB0833 calls for a workgroup to study best practices for a Vulnerable Adult Registry in Maryland reflecting an intent to make the processes and outcomes the best they can be in fairness to all.

The safety and quality of care for vulnerable adults is a top priority for MHAMD and members of the Maryland Coalition on Mental Health and Aging. We support our colleagues working in social service programs of the Department of Human Services who identify SB0833 to be the best immediate solution to a systemic problem of elder abuse and we join them in our respectful request for your favorable vote on SB0833.

DHS_FAV_SB833

Uploaded by: DHS, DHS

Position: FAV

DATE: March 4, 2020

BILL NUMBER: SB 833 **COMMITTEE:** Judicial Proceedings

BILL TITLE: Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup

DHS POSITION: Support

The Department of Human Services (Department) respectfully offers this letter of support regarding Senate Bill 833 (SB 833). This bill would create a workgroup to study the implementation of a centralized confidential database for vulnerable adults, similar to the registry established by the Family Law Article, under §5-714, as it relates to child abuse and neglect investigations. If this bill passes, it will greatly benefit the clients served under the Department's state-mandated Adult Protective Services (APS) Program, which serves vulnerable adults aged 18 years of age & older through. Presently, there is no central statewide confidential database of adult abuse or neglect.

In March of 2018, the National Adult Protective Services Association (NAPSA) completed a 50 state survey indicating which states currently operate an APS abuse registry. The report noted that 26 states across the country currently operate some form of an APS Abuse Registry or background check system.

Establishing an APS Abuse Registry in Maryland would function as added layer of protection for possible future victims of abuse and neglect. These protections would extend to guardianship cases, as the court would receive notification of an individual's registry status. An APS registry would also increase accountability for the perpetrator's actions, and act as a deterrent to keep perpetrators from further abusing more victims. Through enhanced data collection, the Department would also be able to capture any history of recidivism.

Moreover, employers and community providers who serve vulnerable adults will make more informed decisions before hiring an employee, based on information obtained through a confidential background check. The registry would allow prospective employers to identify employees who have been terminated as a result of abusing or neglecting an individual in a healthcare, nursing home, or assisted living facility.

The Department remains committed to protecting vulnerable adults from abuse or neglect. We look forward to joining the majority of states nationwide, who have successfully implemented an APS registry. As such, the Department respectfully requests a favorable report on SB 833.

Senator Benson_FAV_SB833

Uploaded by: Senator Benson, Senator Benson

Position: FAV

JOANNE C. BENSON
Legislative District 24
Prince George's County

Finance Committee
Chair, Rules Committee

Joint Committees

Children, Youth, and Families
Ending Homelessness
Fair Practices and State Personnel Oversight
Management of Public Funds

Chair, Prince George's County
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson
SB 833: Adult Protective Services- Vulnerable Adults Registry- Investigations and Records of Abuse and Neglect and Workgroup Study

Good afternoon Chairman Smith, Vice Chair Waldstreicher and members of the Committee. One of our main duties as public servants is to protect the little people- the most vulnerable in our State. Whether it's our seniors, individuals with mental or physical disabilities, or anyone who often feels helpless and homeless- it's our duty to protect them. Yet according to the National Council on Aging, approximately 1 in 10 Americans aged 60 and up have experienced some form of elder abuse.¹ While in 2012, 1.3 million violent crimes-including rape and physical assault- occurred against people with disabilities, a number that has steadily increased since 2008.² Currently, sections 3-604 and 3-605 of the Criminal Law Article in Maryland prohibits the abuse and neglect of a vulnerable adult. Yet, Maryland doesn't possess a central statewide database of vulnerable adult abuse. So often times, our most vulnerable in society are falling victim to repeat offenders.

Senate Bill 833 seeks to address this issue. Senate 833 creates a statewide confidential and centralized vulnerable adult registry. This bill will also establish a workgroup which will create a space in which experts across the State can study the best practices on how to implement the registry in the State of Maryland.

We must do our due diligence in identifying these bad actors who have abused, neglected or exploited our loved ones and our most vulnerable in our state of Maryland. Currently 26 states have adult abuse registries for perpetrators of elder and vulnerable adult abuse.³ The purpose of this registry is to make information available to individuals, agencies or employers authorized to receive such information. Availing this information will reduce the risk of abuse for vulnerable adults and will improve hiring practices and assist in preventing future abuse for our most vulnerable.

Thus, I urge the committee for a favorable report of Senate Bill 833.

¹ "Adult Protective Services Abuse Registry National Report," USC Center on Elder Mistreatment, University of Southern California, last modified April 01, 2019, <https://eldermistreatment.usc.edu/adult-protective-services-abuse-registry-national-report/>.

² "Violence Against People with Disabilities Occurs at Alarming Rates," End Abuse of People with Disabilities, Vera Institute of Justice, last modified 2020, <https://www.endabusepwd.org/problem/alarming-rates/>.

³ University of Southern California, "Adult Protective Services Abuse Registry National Report."

HFAM_UNF_SB833

Uploaded by: DeMattos, Joseph

Position: UNF



**TESTIMONY BEFORE THE
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

March 4, 2020

Senate Bill 833: Adult Protective Services - Vulnerable Adults Registry -
Investigations and Records of Abuse and Neglect and Workgroup Study

POSITION: OPPOSE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our opposition for Senate Bill 833. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide the majority of post-acute and long-term care to Marylanders in need, including more than four million Medicaid days of care and one million Medicare days of care annually.

We appreciate the intent of Senate Bill 833 but its proposed care, consumer protection and reporting aims are highly duplicative of existing state and federal law. Senate Bill 833 requires the State of Maryland Social Services Administration (SSA) to establish and maintain a centralized confidential database related to reports, investigations, and assessments of suspected abuse or neglect of vulnerable adults. The bill also establishes a Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland.

While we agree that it is a top priority to protect vulnerable adults from neglect and abuse, this legislation would establish entirely duplicate abuse and neglect reporting, due process and related structure in addition to what is already imposed under both state and federal laws by the Maryland Department of Health (MDH) and the Centers for Medicare and Medicaid Services (CMS).

SB 833 raises concerns relative to how this regulatory process overlaps with the extensive abuse and neglect identification, reporting and enforcement applicable to nursing homes and assisted living communities under existing federal and state law. Nursing homes must adhere to those requirements.

This legislation refers to a "licensed adult care facility" but this term is not defined. In the long-term and post-acute care setting, current regulations require that documented abuse of any kind be cited appropriately as a violation; rightfully so.

Because the proposed care, consumer protection and reporting aim of Senate Bill 833 are highly duplicative of existing state and federal law, should the bill be favorably reported, we ask skilled nursing and rehabilitation centers be exempt from this legislation.

Regarding the Workgroup that this legislation proposes, it is problematic that no industry representatives are appointed as members. We also question why this Workgroup, which is meant to focus on a new oversight program by DHR, would be tasked to review how MDH's Office of Health Care Quality (OHCQ) is handling its account using CMP proceeds.

HFAM Testimony - SB 833

March 4, 2020

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Lastly, this legislation's effective date is problematic as it would cause the bill to go into effect based on when a report is or is not issued. If there is to be a Workgroup, then the legislation is premature given the substantial duplication, cost and relative problems it could cause.

For these reasons, we oppose Senate Bill 833 and request an unfavorable report from the Committee.

Submitted by:

Joseph DeMattos, Jr.

President and CEO

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