



**TESTIMONY BEFORE THE
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 2, 2021

Senate Bill 327: Civil Actions - Financial Exploitation of Vulnerable Adults (Maryland SAFE Act)
Written Testimony Only

POSITION: SUPPORT WITH AMENDMENT

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendment Senate Bill 327: Civil Actions - Financial Exploitation of Vulnerable Adults (Maryland SAFE Act). The amendments offered:

Section 13-601(E)(3): The legislation includes a carve-out for “Medicaid planning.” The following should be deleted: MAXIMIZE ELIGIBILITY FOR PUBLIC BENEFITS IN ORDER TO PRESERVE ASSETS FOR AN IDENTIFIED OR IDENTIFIABLE PERSON. There should be no such blanket exception since some actions may represent Financial Exploitation, even if this for this intended purpose. Such activities should be for the benefit of the Vulnerable Adult. Removing the exception does not make Medicaid planning illegal. It should be subject to the same oversight as all other financial actions.

Section 13-603(A)(3) and (4): The reference to “A SPOUSE, PARENT, OR DESCENDENT OF THE VULNERABLE ADULT” should be removed. It may appear logical that such persons should be included, but there this is a potential for conflict. “Descendants” is an overly broad term and can include individuals who have only a tenuous connection to a Vulnerable Adult. Also, the Health Care Decisions Act reference is already included, and it sets forth a legislatively determined priority for identifying who can act for an individual, including among family members. Such priority ranking should not be supplanted by this additional reference under (3) where a spouse, parent or descendant could conflict with the designated surrogate. The same concern is present with respect to a “presumptive heir” under (4).

We must band together to fight and help prevent financial exploration across all settings, whether in the community or a health care setting. Financial exploitation is abuse, in whatever setting it occurs. And sadly, the National Council on Aging reports that:

- One in ten people in the United States age 60+ are victims of some form of abuse, including financial exploitation.
- That in almost 60 percent of elder abuse, including financial exploitation, the perpetrator is a family member.
- Two-thirds of perpetrators are adult children or spouses.

(more)

- While likely under-reported, estimates of elder financial abuse and fraud costs to older Americans range from \$2.9 billion to \$36.5 billion annually.

For these reasons and to help stamp out the financial exploitation of older Marylanders wherever they may live, we urge a favorable report of Senate Bill 327 with our offered amendments.

Submitted by:

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