

SB357 Adult Protective Services Vulnerable Adults

Uploaded by: Margo Quinlan

Position: FAV



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Senate Bill 357 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study

Senate Judicial Proceedings Committee

February 9, 2022

Position: Support

The Mental Health Association of Maryland is the state's only volunteer, nonprofit citizen's organization that brings together consumers, families, professionals, advocates and concerned citizens for unified action in all aspects of mental health and mental illness. We appreciate this opportunity to submit testimony in support of Senate Bill 357.

SB 357 seeks to create a centralized database for abused and neglected vulnerable adults and would identify individuals responsible for the abuse or neglect. It would also establish a Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland.

The Adult Protective Services statute has remained relatively unchanged since the 1980's, though the incidence of abuse, neglect and exploitation of older adults and adults with disabilities are climbing, and individuals with behavioral health disorders are particularly vulnerable to abuse. According to the National Council on Aging, approximately 1 in 10 Americans aged 60+ have experienced some form of elder abuse, and one study estimated that only 1 in 14 cases of abuse are reported to authorities.

Unfortunately, there are perpetrators of abuse who move across care settings and through communities, and Maryland lacks adequate protections for current and future victims of their abuse. SB 357 seeks to prevent abusers from working with vulnerable adults through the establishment of a registry, with a balance of appeal options. This approach has been effective in Maryland's child welfare system and this bill leverages that success by incorporating language that mirrors the Child Protective Services law established to curb child abuse. In addition, SB 357 calls for a workgroup to study best practices for a Vulnerable Adult Registry in Maryland, reflecting an intent to make the processes and outcomes informed by best practices.

The safety and quality of care for vulnerable adults is a top priority for MHAMD, and we recognize SB 357 to be an important step forward in addressing the systemic problem of elder abuse. For these reasons the Mental Health Association of Maryland would urge a favorable report on Senate Bill 357.

For more information contact:

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2022 PANDA SB357 Senate Side.pdf

Uploaded by: Suhani Chitalia

Position: FAV

Mid Atlantic P.A.N.D.A. Coalition

5900 Abriana Way, Elkridge, Maryland 21075

From: Mid Atlantic P.A.N.D.A. Coalition

To: Chairman William Smith JR.

Re: Adult Protective Services-Vulnerable Adults Registry-Investigations and Records of Abuse and Neglect and Workshop Study

Date: January 31, 2022

Dear Chairman Smith,

The Mid-Atlantic P.A.N.D.A. is in Favor of SB 357

We represent the Mid Atlantic P.A.N.D.A. Coalition (Prevent Abuse and Neglect through Dental Awareness). We were established in 2000, our mission is "To create an atmosphere of understanding in dentistry and other professional communities which will result in the prevention of abuse and neglect through early identification and appropriate intervention for those who have been abused or neglected." Dentists and Dental Hygienists (Dental Professionals) are mandated by the State of Maryland to report suspected cases of abuse and neglect. Our coalition has established a Continuing Education (CE) course that educates Dental Professionals and others how to recognize, report, or refer. The Maryland State Board of Dental Examiners has deemed this course as a mandatory CE requirement for Dentists and Hygienists to renew their licenses. We also address domestic violence, elder abuse, human trafficking and bullying in our CE course.

The Vulnerable Adult is an at-risk population, they are usually isolated and difficult to tract. For this reason, it is important for Social Services to establish and maintain a centralized confidential database for abused and neglected vulnerable adults. A pattern of abuse/neglect can then be detected, and the victim can be protected from any other abusive from that individual or removed from the facility where the abuse is occurring. A vulnerable adult usually does not have the capacity to report on their own behalf. It would be advantageous to have a workshop to determine new ways in which we can protect this population.

Thank you for your consideration of SB 357 and ask for a favorable vote.

Respectfully submitted,

Mid-Atlantic P.A.N.D.A. Coalition

Carol Caiazzo, RDH President

Susan Camardese, RDH, MS, Vice President

SB 357 Adult Protective Services Vulnerable Adults

Uploaded by: Tammy Bresnahan

Position: FAV



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SB 357 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study
FAVORABLE
Senate Judicial Proceedings Committee
February 9, 2022

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 state, encompassing almost 900,000 members. AARP MD overwhelmingly supports **SB 357 Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study**. We thank Senator Benson for sponsoring this important legislation.

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams, 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 357 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, to have an indicated finding of abuse, neglect 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. Information about registries meeting this definition was collected via two online surveys and subsequent telephone interviews with representatives of states, as well as a review of statutory and regulatory materials.

Abusing adults, adults in a long-term care, a family member, a friend in a health facility setting that care for an adult especially a vulnerable adult affects hundreds of thousands of us every day. Adult protective services provide some safeguards but are called into investigate after the fact. We know abuse occurs without regard to race, income, education, place of residence, or living arrangements. It is such a sickening feeling when you have to leave your mother, father, grandparent or other adult that for no fault of their own are no longer able to care for themselves

and is in need of care in a health facility, day care setting or have someone come into their home to provide care. We hope, when we leave our vulnerable family member in the care of others that staff in those facilities are caring and nurturing, but there are a small few who are not and for those reasons, we need to keep track of those people.

AARP believes SB 357 is a step in the right direction to protect vulnerable adults in a health care facility. Oversight measures in these facilities must ensure that direct service workers are appropriately screened for criminal backgrounds, including a fingerprint check and review of federal and state protective service and abuse registries.

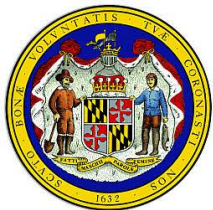
Over half the states in the United States (26) now have abuser registries for perpetrators of elder and vulnerable adult abuse.¹ It is time for Maryland to join the ranks. For these reasons, we respectfully request the Committee issue a FAVORABLE report on SB 357. For questions or additional information, 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/>

SB 357_MASSD_SWA.pdf

Uploaded by: Lauren Graziano

Position: FWA



MASSD *Maryland Association of Social Service Directors*

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Date: February 9, 2022

Bill number: SB0357

Committee: Judicial Proceedings

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

Position: Support with Amendments

The Maryland Association of Social Services Directors (MASSD) offers this letter of support, with amendments, for Senate Bill 357 (SB 357). SB 357 directs the Department Human Services to create an Adult Protective Services (APS) registry that captures the outcome of abuse and neglect investigations for vulnerable adults. The bill also creates a workgroup to study how best to design and implement a Statewide registry.

There are currently 26 states with APS adult abuser registries. A report published in 2018 by the National Adult Protective Services Association (NAPSA) highlights the scope of registries, key organizational characteristics and processes, resources used to operate registries, access to and uses of registry information, and perspectives on lessons learned by states in operating registries.¹ Themes arising from the information collected in this study include but are not limited to:

- Reducing access of abusers to vulnerable adults and improving hiring practices of providers through the implementation of APS abuse registries;
- Significant diversity in operations and uses of APS abuse registries;
- Common components of APS abuse registries include perpetrator notification and the existence of due process provisions;
- Resources needed to operate APS abuse registries;
- Length of time and administrative considerations of due process and information systems;

In order to adequately address these questions, MASSD recommends that the substantive portions of the bill that attempt to address due process concerns be struck, and left for the workgroup to deliberate. Specifically, MASSD recommends removing all language beginning on page 4, line 21, through page 14, line 6.

¹ <http://www.napsa-now.org/wp-content/uploads/2018/05/APS-Abuse-Registry-Report.pdf>

MASSD appreciates the opportunity to support SB 357, with amendments, and requests a favorable report.

SB357_DHS_SWA.pdf

Uploaded by: Lauren Graziano

Position: FWA

Date: February 9, 2022

Bill number: SB0357

Committee: Judicial Proceedings

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

DHS Position: Support with Amendments

The Department of Human Services (the Department) respectfully offers this letter of support, with amendments, for Senate Bill 357 (SB 357). SB 357 directs the Department to create an Adult Protective Services (APS) registry that captures the outcome of abuse and neglect investigations for vulnerable adults. The bill also creates a workgroup to study how best to design and implement a Statewide registry.

There are currently 26 states with APS adult abuser registries. A report published in 2018 by the National Adult Protective Services Association (NAPSA) highlights the scope of registries, key organizational characteristics and processes, resources used to operate registries, access to and uses of registry information, and perspectives on lessons learned by states in operating registries.¹ Themes arising from the information collected in this study include but are not limited to:

- Reducing access of abusers to vulnerable adults and improving hiring practices of providers through the implementation of APS abuse registries;
- Significant diversity in operations and uses of APS abuse registries;
- Common components of APS abuse registries include perpetrator notification and the existence of due process provisions;
- Resources needed to operate APS abuse registries;
- Length of time and administrative considerations of due process and information systems;

In order to adequately address these questions, the Department recommends that the substantive portions of the bill that attempt to address due process concerns be struck, and left for the

¹ <http://www.napsa-now.org/wp-content/uploads/2018/05/APS-Abuse-Registry-Report.pdf>

workgroup to deliberate. Specifically, the Department recommends removing all language beginning on page 4, line 21, through page 14, line 6. Additionally, the Department supports an amendment offered by the House sponsor, which would extend the deadline for the workgroup's report to the Department of Legislative Services from December 1, 2022 to June 1st, 2023.

The Department appreciates the opportunity to support SB 357, with amendments, and requests a favorable report.

HFAM Testimony SB 357.pdf

Uploaded by: Joseph DeMattos

Position: UNF



**TESTIMONY BEFORE THE
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 9, 2022

Senate Bill 357: Adult Protective Services - Vulnerable Adults Registry -
Investigations and Records of Abuse and Neglect and Workgroup Study
Written Testimony Only

POSITION: UNFAVORABLE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to offer this testimony and background regarding Senate Bill 357.

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 skilled nursing members provide the majority of long-term and post-acute care to Marylanders in need paid for by Medicaid and all other payer sources annually.

We appreciate the intent of Senate Bill 357. However, its proposed care, consumer protection and reporting aims are highly duplicative of existing state and federal law. This legislation requires the Maryland Social Services Administration (SSA) to 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).

Senate Bill 357 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 aims of Senate Bill 357 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.

(more)

HFAM Testimony - SB 357

February 9, 2022

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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 357 and request an unfavorable report from the Committee.

Submitted by:

Joseph DeMattos, Jr.

President and CEO

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