

# **Written Testimony SB205 - Human Services - Adult P**

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: January 10, 2025

Bill Number: **SB205**

Bill Title: Human Services - Adult Protective Services

Committee: Senate Judicial Proceedings

**MDOA Position: FAVORABLE**

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The Department of Aging (MDOA) thanks the Chair and Committee members for the opportunity to testify on Senate Bill (SB) 205 - Human Services - Adult Protective Services.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit on Aging, administering federal funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides services, and planning for Maryland's older adult population. Most of Maryland's AAAs cover a single county and are housed within county government human service agencies. Three AAAs are non-profits, two of these span multiple counties on the Upper and Lower Eastern Shore. AAAs are the longtime leaders on the ground in terms of providing and coordinating most state and federally-funded services for older adults in Maryland. Services range from meals and other nutrition related and health promotion services, to in-home personal care services, adult day care, caregiver support, transportation, to information and referral.

For individuals who are most at risk for exploitation, abuse, and neglect, AAAs and local Adult Protective Services staff regularly are both coordinating care, providing services and advocacy on the behalf of the individual and/or a caregiver. AAA staff as mandated reporters under Maryland state law are required to make reports of suspected abuse, neglect to APS. But APS investigators are generally prohibited from following up with those AAA staff members or other service providers due to confidentiality rules. This lack of communication increases strain between AAAs and APS and in some cases, increases the potential harm to the older adult involved. MDOA applauds DHS for bringing forward this narrowly tailored,



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communication-enhancing bill that will improve important coordination and relationships at the local level for the benefit of older adults at risk of harm.

Further, MDOA notes that the first-ever federal rule governing the provision of Adult Protective Services<sup>1</sup> took effect in July, 2024, with full compliance required by 2028. This new final rule clearly confirms that greater coordination among government agencies, law enforcement bodies, and advocacy organizations, among others, is required.<sup>2</sup> Coordination between APS and other partners is embraced on the basis that it “maximizes resources, improves investigation capacity, and ensures APS is effective.”<sup>3</sup> MDOA stands in support of DHS’ continued work to come into compliance with this significant federal regulatory update for APS in Maryland.

This bill is a significant step toward improving relevant communication between investigators from Adult Protective Services and AAA staff, law enforcement and other key stakeholders in connection with an official investigation by APS concerning an older adult at risk of harm. It will wisely remove burdensome communication barriers for the benefit of older adults at risk of harm.

For these reasons, the Department of Aging respectfully urges a **favorable** report for SB205. If you have any questions, please contact Andrea Nunez, Legislative Director, at [andrea.nunez@maryland.gov](mailto:andrea.nunez@maryland.gov) or (443) 414-8183.

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<sup>1</sup> See Administration for Community Living, Final Rule: Federal Regulations for Adult Protective Services Programs, *available at*: <https://acl.gov/APSrule>

<sup>2</sup> See ACL Final Rule; Federal Regulations for APS Programs: § 1324.406 (Clarifies that while state privacy laws may prevent sharing certain client information, at a minimum, APS systems should work with other entities to coordinate their work around prevention and the sharing of promising practices to address adult maltreatment and self-neglect), *available at*: <https://www.federalregister.gov/documents/2024/05/08/2024-07654/adult-protective-services-functions-and-grants-programs>

<sup>3</sup> See Final Rule: Federal Regulations for APS Fact Sheet, April, 2024, *available at*: <https://acl.gov/sites/default/files/2024-05/APS%20Regs%20-%20Long%20Fact%20sheet.pdf>

**SB205 APS 1.10 Final.pdf**

Uploaded by: Irnise Williams

Position: FAV



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**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**  
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*Assistant Attorney General*

January 10, 2025

TO: The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee

FROM: Irnise F. Williams, Health Education and Advocacy Unit

RE: SB205- Human Services – Adult Protective Services: **Support**

The Health Education and Advocacy Unit supports the proposal of allowing the release of Adult Protective Services (APS) records without a court order to any governmental entity if the APS records are relevant to the governmental entity's investigation. This change would allow governmental agencies-including the Office of Chief Medical Examiner, the Office of Health Care Quality, and certain units within the OAG including the Senior and Vulnerable Adult Asset Recovery Unit and the Securities Commissioner to work more efficiently to protect vulnerable Marylanders. The current law requires that the Department of Human Services obtain a court order to release APS records to governmental agencies, which can be marred by obstacles and unnecessary delays. The investigation of these sensitive matters requires timely access to those records without the challenges that are currently in place.

We support this bill and ask for a favorable report.

# **SB205 Maryland Dept of Human Services**

Uploaded by: Rafael López

Position: FAV



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Rafael López, Secretary*

January 14, 2025

The Honorable Will Smith, Jr., Chair  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: TESTIMONY ON SB 205 - Human Services - Adult Protective Services -  
POSITION: FAVORABLE**

Dear Chair Smith and Members of the Judicial Proceedings Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for its consideration and respectfully requests a favorable report for Senate Bill 205 (SB 205).

With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to employment development and career opportunities. The Social Services Administration within DHS leads the Adult Protective Services (APS) program affected by SB 205.

Senate Bill 205 amends the confidentiality requirements found in Human Services Article § 1-201. It would authorize release of APS records to governmental entities conducting investigations related to their governmental function, when such records are relevant to an investigation. Currently, information sharing can only occur via court order, delaying timely investigations.

SB 205 would streamline information sharing between government agencies, improve collaboration, and ultimately improve the State's ability to address and prosecute the maltreatment of adults. For example, SB 205 would authorize sharing APS information with the Office of Chief Medical Examiner, the Medicaid Fraud & Vulnerable Victim Unit within the Office of the Attorney General, or the Securities Commissioner. Improved collaboration increases protections for the adults we serve and assists in prosecuting perpetrators of abuse by enabling the coordination of federal, state, and local governmental entities during the course of a governmental

investigation. SB 205 creates timely access to information critical for protecting adults in suspected cases of abuse, neglect, or exploitation.

The current statute prevents the release of social services records, including APS records to certain agencies without a court order. The records cannot be disclosed, creating delays and barriers for investigatory agencies in accessing and sharing crucial information necessary to protect the Marylanders we serve. Although Family Law § 14-305 does allow APS to release records to local law enforcement during ongoing investigations, the provision does not cover closed cases, reports that did not prompt investigatory responses, or engagement with non-local law enforcement, such as the Postal Investigator. As a result, collaboration among governmental investigative bodies is hindered, stymying efforts these agencies could take to protect Marylanders. Many cases deal with Maryland seniors facing alleged mail fraud and abuse that requires collaboration between local social services and the federal Postal Investigator.

We appreciate the opportunity to provide favorable testimony to the Committee for consideration during your deliberations. We look forward to your partnership in helping us make sure to leave no one behind through your support of Senate Bill 205.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at [rachel.sledge@maryland.gov](mailto:rachel.sledge@maryland.gov).

In service,

A handwritten signature in black ink, appearing to read 'Rafael López', written in a cursive style.

Rafael López  
Secretary



**SB205 - JUD - MDH - SUP.pdf**

Uploaded by: State of Maryland (MD)

Position: FAV



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary*

January 14, 2025

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: Senate Bill 205 - Human Services - Adult Protective Services - Letter of Support**

Dear Chair William C. Smith, Jr. and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support for Senate Bill (SB) 205 - Human Services - Adult Protective Services. SB205 would alter the confidentiality statute related to Adult Protective Services (APS) records to allow for sharing with state or local government employees responsible for conducting an investigation in an official capacity when the disclosure is relevant to the investigation.

Currently, the Office of the Chief Medical Examiner (OCME) requests APS records in some cases as part of death investigations. As this statute is not currently in place, OCME must submit an Administrative Subpoena, signed by the Secretary of Health, to the Department of Human Services (DHS) to obtain these records. This process includes significant administrative burden across both agencies.

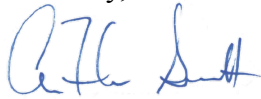
The current process requires OCME to serve APS with an administrative subpoena for records. When APS declines to comply with the administrative subpoena, the OCME-Assistant Attorney General (AAG) files a Joint Petition for Protective Order. From there, OCME must wait until a judge signs the protective order before APS is permitted to release the records. Depending on what judge is assigned to the motions, the process can balloon from hours to weeks, despite efforts to expedite the process. Judicial involvement can create contention or necessitate a hearing. Once the judge does issue the "order to release," records become available to OCME. Because these records are vital to medical examiners to review as part of a comprehensive death investigation, this current workflow adds considerable time to the process for death certification and OCME case closure.

As SB205 seeks to make data sharing for state investigatory purposes easier, this bill would allow OCME to receive APS records in a more timely fashion and ultimately support more timely death investigations. This bill would streamline information sharing, improve

collaboration, and ensure more timely access to information critical for OCME death investigations. MDH supports the passage of SB205.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs, at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, MD, MPH

Secretary