



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

January 30, 2025

The Honorable Luke Clippinger
Chair, Judiciary Committee
101 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: House Bill (HB) 246 - Human Services - Adult Protective Services - Letter of Support

Dear Chair Clippinger and Committee Members:

The Maryland Department of Health (Department) is submitting this letter of support for House Bill (HB) 246 - Human Services - Adult Protective Services. HB 246 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.

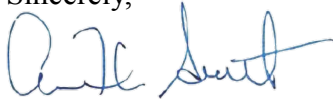
Currently, the Office of the Chief Medical Examiner (OCME) requests APS records in some cases as part of death investigations. As this statute is not currently in place, OCME must submit an Administrative Subpoena, signed by the Secretary of Health, to the Department of Human Services (DHS) to obtain 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 HB 246 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. The Department supports the passage of HB 246.

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Laura Herrera Scott, MD, MPH
Secretary