

HOUSE BILL 589

D4, E4, O1
HB 1281/21 – JUD

2lr2813
CF SB 357

By: **Delegates W. Fisher, J. Lewis, Feldmark, Foley, Harrison, Lehman, Smith, Solomon, Stewart, Toles, Wilkins, and Williams**

Introduced and read first time: January 31, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Adult Protective Services – Vulnerable Adults Registry – Investigations and**
3 **Records of Abuse and Neglect and Workgroup Study**

4 FOR the purpose of establishing certain requirements and procedures within local
5 departments of social services, the Department of Human Services, and the Office of
6 Administrative Hearings relating to the reporting, disclosure, investigation, and
7 appeal of allegations and findings of abuse and neglect of vulnerable adults;
8 authorizing the Social Services Administration of the Department to establish and
9 maintain a centralized confidential database for abused and neglected vulnerable
10 adults; requiring and authorizing the Secretary of Human Services to adopt
11 regulations necessary to protect the rights of individuals suspected of abuse or
12 neglect and implement the centralized database; prohibiting a person from disclosing
13 certain reports or records concerning vulnerable adult abuse or neglect except under
14 certain circumstances; providing that an official or employee of the Department or a
15 local department who releases information from the centralized confidential
16 database is guilty of a misdemeanor; requiring, under certain circumstances, that
17 the State's Attorney provide certain information to the Secretary or a local director
18 of a local department within a certain time after the conclusion of a certain
19 investigation; establishing a Workgroup to Study Best Practices for a Vulnerable
20 Adult Registry in Maryland; and generally relating to investigations and records of
21 alleged abuse and neglect of vulnerable adults.

22 BY repealing and reenacting, with amendments,
23 Article – Family Law
24 Section 14–101
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2021 Supplement)

27 BY adding to
28 Article – Family Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 14–305.1, 14–306, and 14–306.1
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Human Services
Section 1–202.1 and 1–203.1
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Family Law

14–101.

(a) In this title the following words have the meanings indicated.

(b) “Abuse” means the sustaining of any physical injury by a vulnerable adult as
a result of cruel or inhumane treatment or as a result of a malicious act by any person.

**(C) “ADMINISTRATION” MEANS THE SOCIAL SERVICES ADMINISTRATION
OF THE DEPARTMENT.**

**(D) “CAREGIVER” MEANS A FAMILY MEMBER, PARTNER, FRIEND,
NEIGHBOR, OR PAID PROVIDER WHO CARES FOR A VULNERABLE ADULT.**

**(E) “CENTRALIZED CONFIDENTIAL DATABASE” MEANS THE DEPARTMENT’S
CONFIDENTIAL COMPUTERIZED DATA SYSTEM THAT CONTAINS INFORMATION
REGARDING VULNERABLE ADULT ABUSE AND NEGLECT INVESTIGATIONS AND
ASSESSMENTS.**

(F) “DEPARTMENT” MEANS THE DEPARTMENT OF HUMAN SERVICES.

[(c)] (G) “Director” means the director of the local department in the county
where the vulnerable adult lives.

[(d)] (H) “Disabled person” has the meaning stated in § 13–101(e) of the Estates
and Trusts Article.

[(e)] (I) “Emergency” means any condition in which an individual is living that
presents a substantial risk of death or immediate and serious physical harm to the
individual or others.

[(f)] (J) “Exploitation” means any action which involves the misuse of a

1 vulnerable adult's funds, property, or person.

2 **[(g)] (K)** "Health practitioner" includes any person who is authorized to practice
3 healing under the Health Occupations Article.

4 **[(h)] (L)** (1) "Human service worker" means any professional employee of any
5 public or private health or social services agency or provider.

6 (2) "Human service worker" includes:

7 (i) any social worker; and

8 (ii) any caseworker.

9 **[(i)] (M)** "Law enforcement agency" means a State, county, or municipal police
10 department, bureau, or agency.

11 **[(j)] (N)** Except as provided in §§ 14–201, 14–402, and 14–403 of this title, "local
12 department" means the local department that has jurisdiction in the county:

13 (1) where the vulnerable adult lives;

14 (2) for purposes of a notice received under § 11–307 of the Corporations and
15 Associations Article, where an individual who is at least 65 years old lives; or

16 (3) where the abuse is alleged to have taken place.

17 **[(k)] (O)** "Local State's Attorney" means the State's Attorney for the county:

18 (1) where the vulnerable adult lives; or

19 (2) where the abuse is alleged to have taken place.

20 **[(l)] (P)** (1) "Neglect" means the willful deprivation of a vulnerable adult of
21 adequate food, clothing, essential medical treatment or habilitative therapy, shelter, or
22 supervision.

23 (2) "Neglect" does not include the providing of nonmedical remedial care
24 and treatment for the healing of injury or disease, with the consent of the vulnerable adult,
25 recognized by State law instead of medical treatment.

26 **[(m)] (Q)** "Police officer" means any State or local officer who is authorized to
27 make arrests as part of the officer's official duty.

28 **[(n)] (R)** "Review board" means the adult public guardianship review board.

1 [(o)] (S) “Secretary” means the Secretary of Human Services.

2 [(p)] (T) “Self–neglect” means the inability of a vulnerable adult to provide the
3 vulnerable adult with the services:

4 (1) that are necessary for the vulnerable adult’s physical and mental
5 health; and

6 (2) the absence of which impairs or threatens the vulnerable adult’s
7 well–being.

8 (U) (1) **“SEXUAL ABUSE” MEANS ANY ACT THAT INVOLVES SEXUAL**
9 **MOLESTATION OR EXPLOITATION OF A VULNERABLE ADULT BY A CAREGIVER, A**
10 **HOUSEHOLD OR FAMILY MEMBER, OR ANY OTHER PERSON WHO HAS PERMANENT OR**
11 **TEMPORARY CARE OR RESPONSIBILITY FOR THE SUPERVISION OF A VULNERABLE**
12 **ADULT.**

13 (2) **“SEXUAL ABUSE” INCLUDES:**

14 (I) INCEST;

15 (II) RAPE;

16 (III) SEXUAL OFFENSE IN ANY DEGREE;

17 (IV) SODOMY; AND

18 (V) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

19 [(q)] (V) “Vulnerable adult” means an adult who lacks the physical or mental
20 capacity to provide for the adult’s daily needs.

21 **14–305.1.**

22 (A) **WITHIN 30 DAYS AFTER THE COMPLETION OF AN INVESTIGATION IN**
23 **WHICH THERE HAS BEEN A FINDING OF INDICATED OR UNSUBSTANTIATED ABUSE**
24 **OR NEGLECT, THE LOCAL DEPARTMENT SHALL NOTIFY IN WRITING THE INDIVIDUAL**
25 **ALLEGED TO HAVE ABUSED OR NEGLECTED A VULNERABLE ADULT:**

26 (1) **OF THE FINDING;**

27 (2) **OF THE OPPORTUNITY TO APPEAL THE FINDING IN ACCORDANCE**
28 **WITH THIS SECTION; AND**

1 **(3) IF THE INDIVIDUAL HAS BEEN FOUND RESPONSIBLE FOR**
2 **INDICATED ABUSE OR NEGLECT, THAT THE INDIVIDUAL MAY BE IDENTIFIED AS**
3 **RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL**
4 **DATABASE UNDER THE CIRCUMSTANCES SPECIFIED IN § 14-306.1(D) OF THIS**
5 **SUBTITLE.**

6 **(B) (1) IN THE CASE OF A FINDING OF INDICATED ABUSE OR NEGLECT, AN**
7 **INDIVIDUAL MAY REQUEST A CONTESTED CASE HEARING TO APPEAL THE FINDING**
8 **IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE**
9 **BY RESPONDING TO THE NOTICE OF THE LOCAL DEPARTMENT IN WRITING WITHIN**
10 **60 DAYS.**

11 **(2) UNLESS THE INDIVIDUAL AND THE LOCAL DEPARTMENT AGREE**
12 **ON ANOTHER LOCATION, A CONTESTED CASE HEARING SHALL BE HELD IN THE**
13 **JURISDICTION IN WHICH THE INDIVIDUAL ALLEGED TO HAVE ABUSED OR**
14 **NEGLECTED A VULNERABLE ADULT RESIDES.**

15 **(3) (I) IF A CRIMINAL PROCEEDING IS PENDING ON CHARGES**
16 **ARISING OUT OF THE ALLEGED ABUSE OR NEGLECT, THE OFFICE OF**
17 **ADMINISTRATIVE HEARINGS SHALL STAY THE HEARING UNTIL A FINAL**
18 **DISPOSITION IS MADE.**

19 **(II) IF AFTER FINAL DISPOSITION OF THE CRIMINAL CHARGE**
20 **THE INDIVIDUAL REQUESTING THE HEARING IS FOUND GUILTY OF ANY CRIMINAL**
21 **CHARGE ARISING OUT OF THE ALLEGED ABUSE OR NEGLECT, THE OFFICE OF**
22 **ADMINISTRATIVE HEARINGS SHALL DISMISS THE ADMINISTRATIVE APPEAL.**

23 **(C) (1) IN THE CASE OF A FINDING OF UNSUBSTANTIATED ABUSE OR**
24 **NEGLECT, AN INDIVIDUAL MAY REQUEST A CONFERENCE WITH A SUPERVISOR IN**
25 **THE LOCAL DEPARTMENT BY RESPONDING TO THE NOTICE OF THE LOCAL**
26 **DEPARTMENT IN WRITING WITHIN 60 DAYS.**

27 **(2) IN RESPONSE TO A TIMELY REQUEST FOR A CONFERENCE, A**
28 **LOCAL DEPARTMENT SUPERVISOR SHALL SCHEDULE A CONFERENCE TO OCCUR**
29 **WITHIN 30 DAYS AFTER THE SUPERVISOR RECEIVES THE REQUEST, TO ALLOW THE**
30 **INDIVIDUAL AN OPPORTUNITY TO REVIEW THE REDACTED RECORD AND REQUEST**
31 **CORRECTIONS OR TO SUPPLEMENT THE RECORD.**

32 **(3) WITHIN 10 DAYS AFTER THE CONFERENCE, THE LOCAL**
33 **DEPARTMENT SHALL SEND TO THE INDIVIDUAL:**

34 **(I) A WRITTEN SUMMARY OF THE CONFERENCE AND OF ANY**
35 **MODIFICATIONS TO BE MADE IN THE RECORD; AND**

(II) NOTICE OF THE INDIVIDUAL'S RIGHT TO REQUEST A CONTESTED CASE HEARING IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(4) (I) THE INDIVIDUAL MAY REQUEST A CONTESTED CASE HEARING IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION TO APPEAL THE OUTCOME OF THE CONFERENCE BY RESPONDING TO THE SUMMARY IN WRITING WITHIN 60 DAYS.

(II) IF THE INDIVIDUAL DOES NOT RECEIVE THE WRITTEN SUMMARY AND NOTICE SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION WITHIN 20 DAYS, THE INDIVIDUAL MAY REQUEST A CONTESTED CASE HEARING.

(III) AN INDIVIDUAL MAY REQUEST A CONTESTED CASE HEARING IN THE CASE OF A FINDING OF UNSUBSTANTIATED ABUSE OR NEGLECT ONLY AS PROVIDED IN THIS PARAGRAPH.

14-306.

(A) SUBJECT TO FEDERAL AND STATE LAW, THE ADMINISTRATION SHALL PROVIDE BY REGULATIONS ADOPTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE:

(1) PROCEDURES FOR PROTECTING THE CONFIDENTIALITY OF REPORTS AND RECORDS MADE IN ACCORDANCE WITH THIS SUBTITLE;

(2) CONDITIONS UNDER WHICH INFORMATION MAY BE RELEASED;

(3) CONDITIONS FOR DETERMINING IN CASES WHETHER ABUSE, NEGLECT, OR SEXUAL ABUSE IS INDICATED, RULED OUT, OR UNSUBSTANTIATED; AND

(4) PROCEDURES FOR THE APPEAL PROCESSES PROVIDED IN THIS SUBTITLE.

(B) (1) THE LOCAL DEPARTMENT SHALL EXPUNGE A REPORT OF SUSPECTED ABUSE OR NEGLECT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS:

(I) WITHIN 5 YEARS AFTER THE DATE OF REFERRAL IF THE INVESTIGATION UNDER § 14-303 OF THIS SUBTITLE CONCLUDES THAT THE REPORT IS UNSUBSTANTIATED AND NO FURTHER REPORTS OF ABUSE OR NEGLECT ARE

1 RECEIVED DURING THE 5 YEARS; AND

2 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN
3 2 YEARS AFTER THE DATE OF REFERRAL IF THE REPORT IS RULED OUT AND NO
4 FURTHER REPORTS OF ABUSE OR NEGLECT ARE RECEIVED DURING THE 2 YEARS.

5 (2) IF A REPORT IS RULED OUT, THE LOCAL DEPARTMENT MAY, ON
6 GOOD CAUSE SHOWN, IMMEDIATELY EXPUNGE THE REPORT AND ALL ASSESSMENTS
7 AND INVESTIGATIVE FINDINGS.

8 14-306.1.

9 (A) THE SOCIAL SERVICES ADMINISTRATION SHALL MAINTAIN A
10 CENTRALIZED CONFIDENTIAL DATABASE OF CASES REPORTED UNDER THIS
11 SUBTITLE.

12 (B) EACH LOCAL DEPARTMENT SHALL ENTER AND HAVE ACCESS TO
13 INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE RELATED TO
14 REPORTS, INVESTIGATIONS, AND ASSESSMENTS OF SUSPECTED ABUSE OR NEGLECT.

15 (C) THE INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE
16 SHALL BE ACCESSIBLE ONLY TO:

17 (1) THE PROTECTIVE SERVICES STAFF OF THE ADMINISTRATION;

18 (2) THE PROTECTIVE SERVICES STAFFS OF LOCAL DEPARTMENTS
19 WHO ARE INVESTIGATING OR ASSESSING A REPORT OF SUSPECTED ABUSE OR
20 NEGLECT; AND

21 (3) AN INDIVIDUAL OR ENTITY SPECIFICALLY AUTHORIZED BY LAW
22 TO ACCESS THE INFORMATION.

23 (D) THE DEPARTMENT OR A LOCAL DEPARTMENT MAY IDENTIFY AN
24 INDIVIDUAL AS RESPONSIBLE FOR ABUSE OR NEGLECT IN THE CENTRALIZED
25 CONFIDENTIAL DATABASE ONLY IF THE INDIVIDUAL:

26 (1) HAS BEEN FOUND GUILTY OF ANY CRIMINAL CHARGE ARISING OUT
27 OF THE ALLEGED ABUSE OR NEGLECT; OR

28 (2) HAS BEEN FOUND RESPONSIBLE FOR THE INDICATED ABUSE OR
29 NEGLECT AND HAS:

30 (I) UNSUCCESSFULLY APPEALED THE FINDING IN

1 ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER § 14-305.1 OF THIS
2 SUBTITLE; OR

3 (II) FAILED TO EXERCISE THE INDIVIDUAL'S APPEAL RIGHTS
4 WITHIN THE TIME FRAMES SPECIFIED IN § 14-305.1 OF THIS SUBTITLE, TITLE 10,
5 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, OR THE MARYLAND RULES.

6 (E) THE CENTRALIZED CONFIDENTIAL DATABASE MAY NOT CONTAIN ANY
7 INFORMATION THAT IS REQUIRED TO BE EXPUNGED UNDER § 14-306 OF THIS
8 SUBTITLE.

9 (F) (1) UNLESS AN INDIVIDUAL HAS BEEN IDENTIFIED AS RESPONSIBLE
10 FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE IN
11 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, INFORMATION IN THE
12 CENTRALIZED CONFIDENTIAL DATABASE MAY NOT BE PROVIDED IN RESPONSE TO
13 ANY REQUEST FOR BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY
14 SERVICE.

15 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OR A LOCAL
16 DEPARTMENT WHO RELEASES INFORMATION FROM THE CENTRALIZED
17 CONFIDENTIAL DATABASE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION
18 IS SUBJECT TO THE PENALTY PROVIDED IN § 1-202.1(E) OF THE HUMAN SERVICES
19 ARTICLE.

20 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL
21 MAY NOT BE IDENTIFIED AS RESPONSIBLE FOR ABUSE OR NEGLECT IN THE
22 CENTRALIZED CONFIDENTIAL DATABASE SOLELY BECAUSE:

23 (1) A VULNERABLE ADULT HAS BEEN RELEASED FROM A HOSPITAL OR
24 OTHER FACILITY;

25 (2) THE VULNERABLE ADULT HAS BEEN DIAGNOSED WITH A MENTAL
26 DISORDER OR DEVELOPMENTAL DISABILITY; AND

27 (3) THE INDIVIDUAL HAS FAILED TO TAKE THE VULNERABLE ADULT
28 HOME DUE TO A REASONABLE FEAR FOR THE SAFETY OF THE VULNERABLE ADULT
29 OR THE VULNERABLE ADULT'S FAMILY.

30 (H) THE SECRETARY:

31 (1) SHALL ADOPT REGULATIONS NECESSARY TO PROTECT THE
32 RIGHTS OF INDIVIDUALS SUSPECTED OF ABUSE OR NEGLECT; AND

(2) MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

Article – Human Services

1–202.1.

(A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 14, SUBTITLE 3 OF THE FAMILY LAW ARTICLE, § 1–203.1 OF THIS SUBTITLE, AND THIS SECTION, A PERSON MAY NOT DISCLOSE A REPORT OR RECORD CONCERNING ABUSE OR NEGLECT OF A VULNERABLE ADULT.

(B) A REPORT OR RECORD CONCERNING ABUSE OR NEGLECT OF A VULNERABLE ADULT SHALL BE DISCLOSED:

(1) UNDER A COURT ORDER;

(2) UNDER AN ORDER OF AN ADMINISTRATIVE LAW JUDGE, IF:

(I) THE REQUEST FOR DISCLOSURE CONCERNS A CASE PENDING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS; AND

(II) PROVISIONS ARE MADE TO COMPLY WITH OTHER STATE OR FEDERAL CONFIDENTIALITY LAWS AND TO PROTECT THE IDENTITY OF THE REPORTER OR OTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY THE DISCLOSURE; OR

(3) TO THE DIVISION OF PAROLE AND PROBATION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IF, AS A RESULT OF A REPORT OR INVESTIGATION OF SUSPECTED ABUSE OR NEGLECT OF A VULNERABLE ADULT, THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAS REASON TO BELIEVE THAT AN INDIVIDUAL WHO LIVES IN OR HAS A REGULAR PRESENCE IN A VULNERABLE ADULT'S HOME IS REGISTERED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE BASED ON THE COMMISSION OF AN OFFENSE AGAINST A VULNERABLE ADULT.

(C) A REPORT OR RECORD CONCERNING ABUSE OR NEGLECT OF A VULNERABLE ADULT MAY BE DISCLOSED ON REQUEST TO:

(1) PERSONNEL OF THE SOCIAL SERVICES ADMINISTRATION OR A LOCAL DEPARTMENT OF SOCIAL SERVICES, LAW ENFORCEMENT PERSONNEL, AND MEMBERS OF MULTIDISCIPLINARY CASE CONSULTATION TEAMS WHO ARE INVESTIGATING A REPORT OF KNOWN OR SUSPECTED ABUSE OR NEGLECT OF A

1 VULNERABLE ADULT OR PROVIDING SERVICES TO OR ASSESSING A VULNERABLE
2 ADULT OR FAMILY THAT IS THE SUBJECT OF THE REPORT;

3 (2) LOCAL OR STATE OFFICIALS RESPONSIBLE FOR THE
4 ADMINISTRATION OF VULNERABLE ADULT PROTECTIVE SERVICES OR VULNERABLE
5 ADULT CARE OR REGULATIONS, AS NECESSARY TO CARRY OUT THEIR OFFICIAL
6 FUNCTIONS;

7 (3) A PERSON WHO IS THE ALLEGED ABUSER OR NEGLECTER, IF THAT
8 PERSON IS RESPONSIBLE FOR THE VULNERABLE ADULT'S WELFARE AND
9 PROVISIONS ARE MADE FOR THE PROTECTION OF THE IDENTITY OF THE REPORTER
10 OR ANY OTHER PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY
11 DISCLOSING THE INFORMATION;

12 (4) A LICENSED PRACTITIONER, AN AGENCY, AN INSTITUTION, OR A
13 PROGRAM THAT IS PROVIDING TREATMENT OR CARE TO A VULNERABLE ADULT WHO
14 IS THE SUBJECT OF A REPORT OF VULNERABLE ADULT ABUSE OR NEGLECT FOR A
15 PURPOSE RELEVANT TO THE TREATMENT OR CARE;

16 (5) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR
17 TEMPORARY CARE AND CUSTODY OF THE VULNERABLE ADULT, IF PROVISIONS ARE
18 MADE FOR THE PROTECTION OF THE IDENTITY OF THE REPORTER OR ANY OTHER
19 PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY DISCLOSING THE
20 INFORMATION;

21 (6) THE DIRECTOR OF A LICENSED ADULT CARE FACILITY TO CARRY
22 OUT APPROPRIATE PERSONNEL ACTIONS FOLLOWING A REPORT OF SUSPECTED
23 ABUSE OR NEGLECT OF A VULNERABLE ADULT ALLEGED TO HAVE BEEN COMMITTED
24 BY AN EMPLOYEE OF THE FACILITY AND INVOLVING A VULNERABLE ADULT WHO IS
25 CURRENTLY OR WAS PREVIOUSLY UNDER THE CARE OF THAT FACILITY; OR

26 (7) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A LICENSED
27 PRACTITIONER OF A HOSPITAL TO MAKE DISCHARGE DECISIONS CONCERNING A
28 VULNERABLE ADULT, WHEN THE PRACTITIONER SUSPECTS THAT THE VULNERABLE
29 ADULT MAY BE IN DANGER AFTER DISCHARGE BASED ON THE PRACTITIONER'S
30 OBSERVATION OF THE BEHAVIOR OF THE VULNERABLE ADULT'S PARENTS,
31 GUARDIAN, OR IMMEDIATE FAMILY MEMBERS.

32 (D) ONLY THE FOLLOWING INFORMATION CONCERNING ABUSE AND
33 NEGLECT OF A VULNERABLE ADULT MAY BE DISCLOSED TO A PRACTITIONER OF A
34 HOSPITAL UNDER SUBSECTION (C)(7) OF THIS SECTION:

35 (1) WHETHER THERE IS A PRIOR FINDING OF INDICATED ABUSE OR

1 NEGLECT OF A VULNERABLE ADULT BY A PARENT OR CAREGIVER; AND

2 (2) WHETHER THERE IS AN OPEN INVESTIGATION OF ABUSE OR
3 NEGLECT OF A VULNERABLE ADULT PENDING AGAINST A PARENT OR CAREGIVER.

4 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
5 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A
6 FINE NOT EXCEEDING \$500 OR BOTH.

7 1-203.1.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "LOCAL DEPARTMENT" MEANS THE DEPARTMENT OF SOCIAL
11 SERVICES THAT HAS JURISDICTION IN THE COUNTY:

12 (I) WHERE THE ALLEGEDLY ABUSED OR NEGLECTED
13 VULNERABLE ADULT LIVES; OR

14 (II) IF DIFFERENT, WHERE THE ABUSE OR NEGLECT IS ALLEGED
15 TO HAVE TAKEN PLACE.

16 (3) "LOCAL DIRECTOR" MEANS THE DIRECTOR OF THE LOCAL
17 DEPARTMENT.

18 (4) "MEDICAL REPORT" MEANS A PSYCHOLOGICAL, PSYCHIATRIC,
19 THERAPEUTIC, CLINICAL, OR MEDICAL REPORT OR EVALUATION RELATED TO THE
20 ALLEGEDLY ABUSED OR NEGLECTED VULNERABLE ADULT OR ANOTHER
21 VULNERABLE ADULT IN THE CARE OF THE ALLEGED ABUSER OR NEGLECTER.

22 (5) "SECRETARY" MEANS THE SECRETARY OF HUMAN SERVICES.

23 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LOCAL
24 DIRECTOR OR THE SECRETARY SHALL, ON REQUEST, DISCLOSE INFORMATION
25 CONCERNING ABUSE OR NEGLECT OF A VULNERABLE ADULT IN ACCORDANCE WITH
26 SUBSECTION (C) OF THIS SECTION IF:

27 (I) THE INFORMATION IS LIMITED TO ACTIONS OR OMISSIONS
28 OF THE LOCAL DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, OR AN
29 AGENT OF THE DEPARTMENT OF HUMAN SERVICES;

30 (II) THE VULNERABLE ADULT NAMED IN A REPORT OF ABUSE OR

1 NEGLECT HAS SUFFERED A FATALITY OR NEAR FATALITY; AND

2 (III) 1. THE LOCAL DIRECTOR OR THE SECRETARY HAS
3 CONSULTED THE STATE'S ATTORNEY'S OFFICE; AND

4 2. THE STATE'S ATTORNEY'S OFFICE HAS ADVISED THE
5 LOCAL DIRECTOR OR THE SECRETARY THAT DISCLOSURE OF THE INFORMATION
6 WOULD NOT JEOPARDIZE OR PREJUDICE A RELATED INVESTIGATION OR
7 PROSECUTION.

8 (2) (I) IF THE LOCAL DIRECTOR OR THE SECRETARY DOES NOT
9 DISCLOSE INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION BECAUSE
10 THE STATE'S ATTORNEY HAS ADVISED THAT DISCLOSURE OF THE INFORMATION
11 WOULD JEOPARDIZE OR PREJUDICE A RELATED INVESTIGATION OR PROSECUTION,
12 THE STATE'S ATTORNEY SHALL NOTIFY THE LOCAL DIRECTOR OR THE SECRETARY
13 WITHIN 10 DAYS AFTER THE CONCLUSION OF THE RELATED INVESTIGATION OR
14 PROSECUTION.

15 (II) WITHIN 30 DAYS AFTER NOTIFICATION FROM THE STATE'S
16 ATTORNEY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL DIRECTOR
17 OR THE SECRETARY SHALL DISCLOSE INFORMATION IN ACCORDANCE WITH THIS
18 SECTION.

19 (C) BEFORE DISCLOSING THE INFORMATION:

20 (1) THE LOCAL DIRECTOR OR THE SECRETARY SHALL CONSULT THE
21 STATE'S ATTORNEY'S OFFICE; AND

22 (2) THE LOCAL DIRECTOR AND THE SECRETARY SHALL CONSULT
23 EACH OTHER.

24 (D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE LOCAL DIRECTOR
25 OR THE SECRETARY SHALL DISCLOSE:

26 (1) THE NAME OF THE ALLEGEDLY ABUSED OR NEGLECTED
27 VULNERABLE ADULT WHO HAS SUFFERED A FATALITY;

28 (2) THE DATE OF THE REPORT OF THE ALLEGED ABUSE OR NEGLECT
29 OF A VULNERABLE ADULT AND OF ANY PRIOR OR SUBSEQUENT REPORTS;

30 (3) THE FINDINGS MADE BY THE LOCAL DEPARTMENT AT THE
31 CONCLUSION OF ITS INVESTIGATION AND THE DISPOSITION MADE BY THE LOCAL
32 DEPARTMENT BASED ON ITS FINDINGS;

1 (4) ANY SERVICES PROVIDED TO THE ALLEGED ABUSER OR
2 NEGLECTER, THE ALLEGEDLY ABUSED OR NEGLECTED VULNERABLE ADULT, AND
3 THE HOUSEHOLD OR FAMILY MEMBERS;

4 (5) THE NUMBER OF REFERRALS FOR PROFESSIONAL SERVICES FOR
5 THE ALLEGED ABUSER OR NEGLECTER, THE ALLEGEDLY ABUSED OR NEGLECTED
6 VULNERABLE ADULT, AND THE HOUSEHOLD OR FAMILY MEMBERS;

7 (6) THE STATUS OF ANY CASE INVOLVING THE VULNERABLE ADULT
8 THAT WAS OPEN AT THE TIME OF THE FATALITY OR NEAR FATALITY;

9 (7) A SUMMARY OF THE FACTS OF THE FATALITY OR NEAR FATALITY,
10 INCLUDING THE DATE OF THE FATALITY OR NEAR FATALITY AND, IN THE CASE OF A
11 FATALITY, THE CAUSE OF DEATH REPORTED BY THE MEDICAL EXAMINER; AND

12 (8) ANY INFORMATION CONCERNING THE CIRCUMSTANCES OF THE
13 ALLEGED ABUSE OR NEGLECT OF THE VULNERABLE ADULT AND THE
14 INVESTIGATION OF THE CIRCUMSTANCES, IF THE LOCAL DIRECTOR OR THE
15 SECRETARY DETERMINES THAT THE DISCLOSURE IS CONSISTENT WITH THE PUBLIC
16 INTEREST.

17 (E) (1) THE LOCAL DIRECTOR OR THE SECRETARY MAY NOT:

18 (I) DISCLOSE THE IDENTITY OR PROVIDE AN IDENTIFYING
19 DESCRIPTION OF THE PERSON WHO MADE THE REPORT;

20 (II) DISCLOSE THE NAME OF A VULNERABLE ADULT WHO HAS
21 SUFFERED A NEAR FATALITY, A PARENT OF THE ALLEGEDLY ABUSED OR
22 NEGLECTED VULNERABLE ADULT, AN INDIVIDUAL LEGALLY RESPONSIBLE FOR THE
23 VULNERABLE ADULT, THE ALLEGED ABUSER OR NEGLECTER, OR ANOTHER
24 HOUSEHOLD OR FAMILY MEMBER;

25 (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
26 SUBSECTION, DISCLOSE A MEDICAL REPORT; OR

27 (IV) EXCEPT FOR THE INFORMATION DESCRIBED IN
28 SUBSECTION (D) OF THIS SECTION, DISCLOSE THE FILE RELATING TO THE
29 ALLEGEDLY ABUSED OR NEGLECTED VULNERABLE ADULT.

30 (2) NOTWITHSTANDING TITLE 4, SUBTITLE 3 OF THE
31 HEALTH – GENERAL ARTICLE, THE LOCAL DIRECTOR OR THE SECRETARY MAY
32 DISCLOSE A MEDICAL REPORT RELATED TO THE CAUSE OF THE VULNERABLE

1 ADULT'S INJURY OR DEATH AS A RESULT OF THE ALLEGED ABUSE OR NEGLECT.

2 (F) IN CONSULTATION WITH THE LOCAL DIRECTORS, THE SECRETARY
3 SHALL DEVELOP A FORM FOR DISCLOSURE OF THE INFORMATION DESCRIBED IN
4 SUBSECTION (D) OF THIS SECTION.

5 (G) THIS SECTION DOES NOT GRANT A RIGHT TO ANY PERSON TO RECEIVE
6 THE INFORMATION DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) There is a Workgroup to Study Best Practices for a Vulnerable Adult Registry
9 in Maryland.

10 (b) The Workgroup consists of the following members:

11 (1) two members of the Senate of Maryland, appointed by the President of
12 the Senate;

13 (2) two members of the House of Delegates, appointed by the Speaker of
14 the House;

15 (3) the Secretary of Human Services, or the Secretary's designee;

16 (4) the Secretary of Aging, or the Secretary's designee;

17 (5) the Secretary of Disabilities, or the Secretary's designee;

18 (6) the Secretary of Health, or the Secretary's designee;

19 (7) the Secretary of State Police, or the Secretary's designee;

20 (8) the Attorney General, or the Attorney General's designee;

21 (9) the Secretary of Budget and Management, or the Secretary's designee;

22 (10) one member from law enforcement, designated by the Executive
23 Director of the Governor's Office of Crime Prevention, Youth, and Victim Services;

24 (11) one member of the Office of Adult Services, designated by the Secretary
25 of Human Services, or the Secretary's designee; and

26 (12) the following members, appointed by the Governor:

27 (i) two members of a legal services program who work directly with
28 vulnerable adults;

1 (ii) two members of the public with an expertise in electronic
2 databases, data collection, and data storage; and

3 (iii) one member of the public with an expertise in data privacy.

4 (c) The Secretary of Human Services, or the Secretary's designee, shall designate
5 the chair of the Workgroup.

6 (d) The Department of Human Services shall provide staff for the Workgroup.

7 (e) A member of the Workgroup:

8 (1) may not receive compensation as a member of the Workgroup; but

9 (2) is entitled to reimbursement for expenses under the Standard State
10 Travel Regulations, as provided in the State budget.

11 (f) The Workgroup shall:

12 (1) study best practices for implementation of a statewide vulnerable adult
13 registry, including:

14 (i) technological considerations;

15 (ii) legal considerations;

16 (iii) financial considerations;

17 (iv) practical considerations; and

18 (v) practices among other states that have adopted a similar
19 registry;

20 (2) identify the appropriate State agency to operate a State vulnerable
21 adult registry;

22 (3) study and identify, to the extent possible, how \$1,400,000 in 2012 grant
23 funds, awarded by the Centers for Medicare and Medicaid Services and designated for aid
24 in the creation of a national criminal background check program by the Office of Health
25 Care Quality and the Department of Public Safety and Correctional Services, was allocated
26 and used, if ever awarded;

27 (4) study and make recommendations regarding any changes or
28 improvements to State law; and

29 (5) identify an appropriate effective date for Section 1 of this Act.

1 (g) On or before December 1, 2022, the Workgroup shall report its findings and
2 recommendations to the Governor and, in accordance with § 2-1257 of the State
3 Government Article, the General Assembly and the Department of Legislative Services.

4 SECTION 3. AND BE IT FURTHER ENACTED, That:

5 (a) Section 1 of this Act shall take effect contingent on the receipt by the
6 Department of Legislative Services of a report providing a recommended effective date for
7 Section 1 of this Act by the Workgroup to Study Best Practices for a Vulnerable Adult
8 Registry in Maryland.

9 (b) If the Department of Legislative Services receives the Workgroup's report on
10 or before December 1, 2022, Section 1 of this Act shall take effect on the recommended
11 effective date or October 1, 2023, whichever is later.

12 (c) If the Department of Legislative Services does not receive the Workgroup's
13 report on or before December 1, 2022, Section 1 of this Act, with no further action required
14 by the General Assembly, shall be null and void.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
16 Act, this Act shall take effect July 1, 2022. Section 2 of this Act shall remain effective for a
17 period of 1 year and, at the end of June 30, 2023, Section 2 of this Act, with no further
18 action required by the General Assembly, shall be abrogated and of no further force and
19 effect.