

SENATE BILL 205

02

(PRE-FILED)

5lr0343
CF HB 246

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Services)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Human Services – Adult Protective Services**

3 FOR the purpose of specifying that certain provisions of law relating to confidentiality do
4 not prohibit the disclosure of certain information relating to adult protective services
5 or the disclosure of the identity of certain persons making certain reports under
6 certain circumstances; expanding the definition of “health practitioner” to include
7 certain emergency medical services providers in certain provisions of law relating to
8 adult protective services; authorizing certain individuals who are required under
9 certain circumstances to report certain information regarding alleged vulnerable
10 adults to make a report by calling the statewide reporting hotline; and generally
11 relating to vulnerable adults and adult protective services.

12 BY repealing and reenacting, with amendments,
13 Article – Human Services
14 Section 1–201
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 14–101(g), 14–302(b), and 14–308
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, without amendments,
Article – Family Law
Section 14–302(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

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

Article – Human Services

1–201.

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order;

(2) to an officer or employee of any state or local government[,] **OR** the United States, [or a fiduciary institution,] if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(i) public assistance, medical assistance, social services, or child welfare services programs; or

(ii) voter registration in accordance with § 3–203 of the Election Law Article; [or]

(3) to a fiduciary institution that reported suspected financial abuse or financial exploitation, if the fiduciary institution is authorized to request the information under § 1–306(h) of the Financial Institutions Article; **OR**

(4) RELATING TO ADULT PROTECTIVE SERVICES, TO AN OFFICER OR EMPLOYEE OF ANY STATE OR LOCAL GOVERNMENT OR THE UNITED STATES IF THE OFFICER OR EMPLOYEE IS RESPONSIBLE FOR CONDUCTING AN INVESTIGATION IN AN OFFICIAL CAPACITY AND THE DISCLOSURE IS RELEVANT TO THE INVESTIGATION.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

Article – Family Law

(g) **(1)** “Health practitioner” includes any person who is authorized to practice healing under the Health Occupations Article **OR, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, § 13–516 OF THE EDUCATION ARTICLE.**

(2) “HEALTH PRACTITIONER” DOES NOT INCLUDE AN EMERGENCY MEDICAL DISPATCHER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE.

Article – Family Law

(a) (1) Except as provided in paragraph (2) of this subsection, notwithstanding any law on privileged communications, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation shall:

(i) notify the local department; and

(ii) if acting as a staff member of a hospital or public health agency, immediately notify and give all the information required by this section to the head of the institution or the designee of the head.

(2) An ombudsman, as defined in § 10–901 of the Human Services Article, shall comply with 42 U.S.C. § 3058g(d)(2) and may not disclose the identity of a resident or complainant except as authorized under 42 U.S.C. § 3058g(d)(2).

(b) An individual who is required to make a report under subsection (a) of this section shall make the report **AS SOON AS POSSIBLE** by telephone, **BY** direct communication, or in writing to the local department [as soon as possible] **OR BY CALLING THE STATEWIDE REPORTING HOTLINE.**

14-308.

(a) Subject to the provisions of subsection (b) of this section, the identity of any person who makes a report under § 14–302 of this subtitle shall be confidential.

(b) The identity of a person who makes a report under § 14–302 of this subtitle may be disclosed if:

(1) the person consents; [or]

(2) the court orders the disclosure; OR

(3) THE DISCLOSURE OCCURS IN ACCORDANCE WITH § 1–201 OF THE HUMAN SERVICES ARTICLE.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2026.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.