

SENATE BILL 833

D4, E4, O1

0lr1683

By: **Senators Benson and Augustine**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

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 requiring local departments of social services to report to a certain
5 individual certain information pertaining to the alleged abuse or neglect of a
6 vulnerable adult within a certain time after a certain investigation; establishing
7 certain appeal procedures if, after a local department's investigation, there is a
8 finding of abuse or neglect of a vulnerable adult; requiring the Office of
9 Administrative Hearings to dismiss a certain administrative appeal under certain
10 circumstances; authorizing a certain individual to request a conference with the
11 supervisor of a local department under certain circumstances; requiring the
12 supervisor of a local department to schedule a conference under certain
13 circumstances; authorizing a certain individual to request a contested case hearing
14 under certain circumstances; requiring the Social Services Administration of the
15 Department of Human Services to adopt regulations that develop procedures
16 relating to confidentiality of certain reports and records, release of information,
17 determination of investigatory findings, and appeal procedures; requiring a local
18 department to expunge a report of suspected abuse or neglect and all assessments
19 and investigative findings under certain circumstances; authorizing the
20 Administration to establish and maintain a certain centralized confidential database
21 for abused and neglected vulnerable adults; requiring that each local department
22 have access to the centralized database to view and input certain information;
23 authorizing the Department or a local department to identify an individual as
24 responsible for abuse or neglect in the centralized database under certain
25 circumstances; prohibiting the centralized database from containing certain
26 information; providing certain exceptions for which an individual may not be
27 identified in the centralized database; requiring and authorizing the Secretary of
28 Human Services to adopt certain regulations; prohibiting a person from disclosing
29 certain reports or records concerning vulnerable adult abuse or neglect except under
30 certain circumstances; providing for certain circumstances for which a person may
31 disclose a certain report or record; requiring the Secretary to disclose certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



information concerning vulnerable adult abuse or neglect under certain circumstances; establishing certain penalties; requiring, under certain circumstances, that the State's Attorney provide certain information to the Secretary or a local director of a local department within a certain time after the conclusion of a certain investigation; establishing a Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding implementing a vulnerable adult registry in the State; requiring the Workgroup to report its findings and recommendations to the Governor, the General Assembly, and the Department of Legislative Services on or before a certain date; making certain provisions of this Act subject to a certain contingency; defining certain terms; and generally relating to investigations and records of alleged abuse and neglect of vulnerable adults.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 14–101
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to
Article – Family Law
Section 14–305.1, 14–306, and 14–306.1
Annotated Code of Maryland
(2019 Replacement Volume)

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

1 OF THE DEPARTMENT.

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

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

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

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

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

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

17 [(f)] (J) “Exploitation” means any action which involves the misuse of a
18 vulnerable adult’s funds, property, or person.

19 [(g)] (K) “Health practitioner” includes any person who is authorized to practice
20 healing under the Health Occupations Article.

21 [(h)] (L) (1) “Human service worker” means any professional employee of any
22 public or private health or social services agency or provider.

23 (2) “Human service worker” includes:

24 (i) any social worker; and

25 (ii) any caseworker.

26 [(i)] (M) “Law enforcement agency” means a State, county, or municipal police
27 department, bureau, or agency.

28 [(j)] (N) Except as provided in §§ 14–201, 14–402, and 14–403 of this title, “local
29 department” means the local department that has jurisdiction in the county:

30 (1) where the vulnerable adult lives;

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

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

[(k)] (O) “Local State’s Attorney” means the State’s Attorney for the county:

(1) where the vulnerable adult lives; or

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

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

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

[(m)] (Q) “Police officer” means any State or local officer who is authorized to make arrests as part of the officer’s official duty.

[(n)] (R) “Review board” means the adult public guardianship review board.

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

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

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

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

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

(2) “SEXUAL ABUSE” INCLUDES:

(I) INCEST;

(II) RAPE;

(III) SEXUAL OFFENSE IN ANY DEGREE;

(IV) SODOMY; AND

(V) UNNATURAL OR PERVERTED SEXUAL PRACTICES.

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

14-305.1.

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

(1) OF THE FINDING;

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

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

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

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

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

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

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

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

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

(I) A WRITTEN SUMMARY OF THE CONFERENCE AND OF ANY 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

1 PROVIDE BY REGULATIONS ADOPTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 1
2 OF THE STATE GOVERNMENT ARTICLE:

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

5 (2) CONDITIONS UNDER WHICH INFORMATION MAY BE RELEASED;

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

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

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

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

18 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN
19 2 YEARS AFTER THE DATE OF REFERRAL IF THE REPORT IS RULED OUT AND NO
20 FURTHER REPORTS OF ABUSE OR NEGLECT ARE RECEIVED DURING THE 2 YEARS.

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

24 14-306.1.

25 (A) THE SOCIAL SERVICES ADMINISTRATION SHALL MAINTAIN A
26 CENTRALIZED CONFIDENTIAL DATABASE OF CASES REPORTED UNDER THIS
27 SUBTITLE.

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

31 (C) THE INFORMATION IN THE CENTRALIZED CONFIDENTIAL DATABASE

1 SHALL BE ACCESSIBLE ONLY TO:

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

3 (2) THE PROTECTIVE SERVICES STAFFS OF LOCAL DEPARTMENTS
4 WHO ARE INVESTIGATING OR ASSESSING A REPORT OF SUSPECTED ABUSE OR
5 NEGLECT; AND

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

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

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

13 (2) HAS BEEN FOUND RESPONSIBLE FOR INDICATED ABUSE OR
14 NEGLECT AND HAS:

15 (I) UNSUCCESSFULLY APPEALED THE FINDING IN
16 ACCORDANCE WITH THE PROCEDURES ESTABLISHED UNDER § 14-305.1 OF THIS
17 SUBTITLE; OR

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

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

24 (F) (1) UNLESS AN INDIVIDUAL HAS BEEN IDENTIFIED AS RESPONSIBLE
25 FOR ABUSE OR NEGLECT IN THE CENTRALIZED CONFIDENTIAL DATABASE IN
26 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, INFORMATION IN THE
27 CENTRALIZED CONFIDENTIAL DATABASE MAY NOT BE PROVIDED IN RESPONSE TO
28 ANY REQUEST FOR BACKGROUND INFORMATION FOR EMPLOYMENT OR VOLUNTARY
29 SERVICE.

30 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OR A LOCAL
31 DEPARTMENT WHO RELEASES INFORMATION FROM THE CENTRALIZED
32 CONFIDENTIAL DATABASE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION

1 IS SUBJECT TO THE PENALTY PROVIDED IN § 1-202.1(E) OF THE HUMAN SERVICES
2 ARTICLE.

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

6 (1) A VULNERABLE ADULT HAS BEEN RELEASED FROM A HOSPITAL OR
7 OTHER FACILITY;

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

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

13 (H) THE SECRETARY OF HUMAN SERVICES:

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

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

18 Article – Human Services

19 1-202.1.

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

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

26 (1) UNDER A COURT ORDER;

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

28 (I) THE REQUEST FOR DISCLOSURE CONCERNS A CASE
29 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 VULNERABLE ADULT OR PROVIDING SERVICES TO OR ASSESSING A VULNERABLE ADULT OR FAMILY THAT IS THE SUBJECT OF THE REPORT;

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

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

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

(5) A PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE AND CUSTODY OF THE VULNERABLE ADULT, IF PROVISIONS ARE

1 MADE FOR THE PROTECTION OF THE IDENTITY OF THE REPORTER OR ANY OTHER
2 PERSON WHOSE LIFE OR SAFETY IS LIKELY TO BE ENDANGERED BY DISCLOSING THE
3 INFORMATION;

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

9 (7) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A LICENSED
10 PRACTITIONER OF A HOSPITAL TO MAKE DISCHARGE DECISIONS CONCERNING A
11 VULNERABLE ADULT, WHEN THE PRACTITIONER SUSPECTS THAT THE VULNERABLE
12 ADULT MAY BE IN DANGER AFTER DISCHARGE BASED ON THE PRACTITIONER'S
13 OBSERVATION OF THE BEHAVIOR OF THE VULNERABLE ADULT'S PARENTS,
14 GUARDIAN, OR IMMEDIATE FAMILY MEMBERS.

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

18 (1) WHETHER THERE IS A PRIOR FINDING OF INDICATED ABUSE OR
19 NEGLECT OF A VULNERABLE ADULT BY A PARENT OR CAREGIVER; AND

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

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

25 1-203.1.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

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

30 (I) WHERE THE ALLEGEDLY ABUSED OR NEGLECTED
31 VULNERABLE ADULT LIVES; OR

32 (II) IF DIFFERENT, WHERE THE ABUSE OR NEGLECT IS ALLEGED

1 TO HAVE TAKEN PLACE.

2 (3) "LOCAL DIRECTOR" MEANS THE DIRECTOR OF THE LOCAL
3 DEPARTMENT.

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

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

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

13 (I) THE INFORMATION IS LIMITED TO ACTIONS OR OMISSIONS
14 OF THE LOCAL DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, OR AN
15 AGENT OF THE DEPARTMENT OF HUMAN SERVICES;

16 (II) THE VULNERABLE ADULT NAMED IN A REPORT OF ABUSE OR
17 NEGLECT HAS SUFFERED A FATALITY OR NEAR FATALITY; AND

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

20 2. THE STATE'S ATTORNEY'S OFFICE HAS ADVISED THE
21 LOCAL DIRECTOR OR THE SECRETARY THAT DISCLOSURE OF THE INFORMATION
22 WOULD NOT JEOPARDIZE OR PREJUDICE A RELATED INVESTIGATION OR
23 PROSECUTION.

24 (2) (I) IF THE LOCAL DIRECTOR OR THE SECRETARY DOES NOT
25 DISCLOSE INFORMATION UNDER PARAGRAPH (1) OF THIS SUBSECTION BECAUSE
26 THE STATE'S ATTORNEY HAS ADVISED THAT DISCLOSURE OF THE INFORMATION
27 WOULD JEOPARDIZE OR PREJUDICE A RELATED INVESTIGATION OR PROSECUTION,
28 THE STATE'S ATTORNEY SHALL NOTIFY THE LOCAL DIRECTOR OR THE SECRETARY
29 WITHIN 10 DAYS AFTER THE CONCLUSION OF THE RELATED INVESTIGATION OR
30 PROSECUTION.

31 (II) WITHIN 30 DAYS AFTER NOTIFICATION FROM THE STATE'S
32 ATTORNEY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LOCAL DIRECTOR
33 OR THE SECRETARY SHALL DISCLOSE INFORMATION IN ACCORDANCE WITH THIS

1 SECTION.

2 (C) BEFORE DISCLOSING THE INFORMATION:

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

5 (2) THE LOCAL DIRECTOR AND THE SECRETARY SHALL CONSULT
6 EACH OTHER.

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

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

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

13 (3) THE FINDINGS MADE BY THE LOCAL DEPARTMENT AT THE
14 CONCLUSION OF ITS INVESTIGATION AND THE DISPOSITION MADE BY THE LOCAL
15 DEPARTMENT BASED ON ITS FINDINGS;

16 (4) ANY SERVICES PROVIDED TO THE ALLEGED ABUSER OR
17 NEGLECTER, THE ALLEGEDLY ABUSED OR NEGLECTED VULNERABLE ADULT, AND
18 THE HOUSEHOLD OR FAMILY MEMBERS;

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

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

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

27 (8) ANY INFORMATION CONCERNING THE CIRCUMSTANCES OF THE
28 ALLEGED ABUSE OR NEGLECT OF THE VULNERABLE ADULT AND THE
29 INVESTIGATION OF THE CIRCUMSTANCES, IF THE LOCAL DIRECTOR OR THE
30 SECRETARY DETERMINES THAT THE DISCLOSURE IS CONSISTENT WITH THE PUBLIC
31 INTEREST.

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

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

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

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

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

(2) NOTWITHSTANDING TITLE 4, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE, THE LOCAL DIRECTOR OR THE SECRETARY MAY DISCLOSE A MEDICAL REPORT RELATED TO THE CAUSE OF THE VULNERABLE ADULT’S INJURY OR DEATH AS A RESULT OF THE ALLEGED ABUSE OR NEGLECT.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

(b) The Workgroup consists of the following members:

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

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

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

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

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

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

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

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

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

(10) one member from law enforcement, designated by the Executive Director of the Governor's Office of Crime Control and Prevention;

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

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

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

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

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

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

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

(e) A member of the Workgroup:

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

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

(f) The Workgroup shall:

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

- 1 (i) technological considerations;
- 2 (ii) legal considerations;
- 3 (iii) financial considerations;
- 4 (iv) practical considerations; and
- 5 (v) practices among other states that have adopted a similar
- 6 registry;

7 (2) identify the appropriate State agency to operate a State vulnerable

8 adult registry;

9 (3) study and identify, to the extent possible, how \$1.4 million in 2012

10 grant funds, awarded by the Centers for Medicare and Medicaid Services and designated

11 for aid in the creation of a national criminal background check program by the Office of

12 Health Care Quality and Department of Public Safety and Correctional Services, were

13 allocated and used, if ever awarded;

14 (4) study and make recommendations regarding any changes or

15 improvements to State law; and

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

17 (g) On or before December 1, 2020, the Workgroup shall report its findings and

18 recommendations to the Governor and, in accordance with § 2-1257 of the State

19 Government Article, the General Assembly and the Department of Legislative Services.

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

21 (a) Section 1 of this Act shall take effect contingent on the Department of

22 Legislative Services' receipt of a report providing a recommended effective date of Section

23 1 of this Act by the Workgroup to Study Best Practices for a Vulnerable Adult Registry in

24 Maryland.

25 (b) If the Department of Legislative Services receives the Workgroup's report on

26 or before December 1, 2020, Section 1 of this Act shall take effect on the recommended

27 effective date or October 1, 2021, whichever is later.

28 (c) If the Department of Legislative Services does not receive the Workgroup's

29 report on or before December 1, 2020, Section 1 of this Act, with no further action required

30 by the General Assembly, shall be null and void.

31 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this

32 Act, this Act shall take effect July 1, 2020. Section 2 of this Act shall remain effective for a

33 period of 1 year and, at the end of June 30, 2021, Section 2 of this Act, with no further

1 action required by the General Assembly, shall be abrogated and of no further force and
2 effect.