

Date: January 19, 2022

Bill number: SB0175

Committee: Finance Committee

Bill title: **Fiduciary Institutions - Investigations of Financial Abuse and Exploitation**

DHS Position: **FAVORABLE**

The Maryland Department of Human Services, thanks the Committee for the opportunity to provide support for Senate Bill 175 (SB175).

In 1999 the Gramm-Leach-Bliley Act became federal law and removed federal restrictions on financial institutions sharing certain confidential information with Adult Protective Services (APS) during an investigation of financial exploitation of vulnerable adults. This was a needed remedy, as all national data trends demonstrate that financial exploitation of vulnerable adults is an expanding crisis in our communities. In 2012, the General Assembly granted the Department's Adult Protective Services program the authority to investigate financial exploitation of vulnerable adults and expanded mandated reporters to include employees of fiduciary institutions.¹ While the 2012 legislation was an important first step, it did not address all the barriers to working across disciplines to ensure that protection of vulnerable adults occurred.

Senate Bill 175 will remove current barriers to accessing data needed to investigate allegations of financial exploitation of vulnerable adults. The bill addresses the need to share critical information as it relates to an issue that we often prefer not to discuss with anyone—finances. Everyone involved understands the right to privacy and self determination, but the very nature of an Adult Protective Services investigation is an indication of concern for a vulnerable adult's safety.

For the following reasons, the Department proposes this legislative remedy and welcomes a favorable response:

- It will synchronize existing state statutes regarding financial exploitation investigations and record sharing
- It will permit APS, financial institutions and law enforcement to work cooperatively to support vulnerable adults
- It will provide a holistic investigation process that may support the possibility of criminal findings (when appropriate)

The Department is grateful to offer our support for SB 175 and requests a favorable report.

¹ *Senate Bill 941, 2012 Legislative Session*

