



COMMISSION ON AGING

March 3, 2020

The Honorable Dereck E. Davis
Chair, House Economics Matters Committee
House Office Building, Room 231
6 Bladen Street
Annapolis, Maryland 21401

Re: HB 304: Consumer Protection–Unfair, Abusive, or Deceptive Trade Practices–Exploitation of Vulnerable Adults

Dear Delegate Davis:

I am writing on behalf of the Montgomery County Commission on Aging to express our support for HB 304. The Commission on Aging was established in 1974 to advise County government on the needs, interests, and issues of older adult residents, and to advocate on their behalf. Our work is ever more significant as our older adult population continues to grow and to become more diverse. A primary area of our concern is protection and support for vulnerable and older adults.

HB 304 would establish that a violation of § 8-801 of the Criminal Law Article (exploitation of a vulnerable adult) is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act, subject to the MCPA's civil and criminal penalty provisions. These practices include making false or misleading statements or misrepresentations that could deceive or mislead a consumer in such areas as sale of goods, housing, or services.

A 2017 joint publication of three federal entities–the Consumer Financial Protection Bureau, the U.S. Department of Treasury, and the Financial Crimes Enforcement Network (FinCEN) concludes that elder financial exploitation is the most common form of elder abuse in the United States.

While Maryland has made strides in strengthening services and protections for vulnerable and older adults through laws, training, education, and creation and funding of services and programs, financial exploitation of vulnerable adults in our state continues to grow. In Montgomery County, Adult Protective Services (which investigates referrals of abuse, neglect, self-neglect and financial exploitation of vulnerable adults) has seen an increase of approximately 33% in investigations over the last three fiscal years. The APS caseload has doubled over the past seven fiscal years and is at an all-time high. The number of investigations involving financial exploitation has also increased dramatically - from 16% of APS cases in FY12 to 35% of cases in FY19.

HB 304 builds on Commercial Law Article § 13-204, enacted in 2016, which authorizes the Attorney General to bring civil actions for damages and costs against those who knowingly and willfully obtain by deception, intimidation, or undue influence, the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of property.

Department of Health and Human Services

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By providing that violations of Criminal Law Article § 8-801 are also violations of the Maryland Consumer Protection Act, HB 304 would give the Office of the Attorney General, whose Consumer Protection Division is responsible for enforcing the MCPA, an additional tool and resources with which to seek justice for vulnerable adult victims.

We urge your support for this bill and thank you for your consideration of the Commission on Aging's position.

Sincerely,

Jean Dinwiddie, Chair

cc: Delegate Emily Shetty
Montgomery County Delegation
Leslie Frey