



COMMISSION ON AGING

February 23, 2017

The Honorable Bobby A. Zirkin
Chair, Judicial Proceedings Committee
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21041

Re: SB 0951
Maryland Securities Act-Vulnerable Adults

Dear Senator Zirkin:

The Commission on Aging of Montgomery County (the "COA") was established in 1974 to serve as an advocate for all issues of interest to the aging citizens of Montgomery County, although many of the positions taken by the COA at either the State or Federal levels are for the benefit of all Maryland seniors. We are writing in support of that portion of SB 0951 presently pending before the Judicial Proceedings Committee that adds a requirement on certain state licensed securities personnel to report suspected financial abuse of vulnerable adults. The COA urges the Committee to favorably report the bill to the Senate.

Vulnerable adults need protection from abuse, both financially and physically. Most of the victims are not able to recognize that they are victims, let alone be in a position to report abuse to the appropriate authorities. It is for that reason that the COA has been a strong advocate in the past on creating education and reporting requirements to appropriate state and/or county agencies for Maryland financial personnel of any suspected abuse of a vulnerable adult. Maryland already requires bank, credit union and wire transfer employees to undergo training to assist them in identifying financial abuse and to better understand the reporting process. These employees are now reporters of suspected financial exploration to Adult Protective Service agencies (See: § 1-306, Financial Institutions Article). SB 0951 (and its cross-filed bill HB 1149) extends the requirement to investment agents, investment advisors, or supervisors of broker-dealers or investment advisors, to report suspected financial abuse to the Division of Securities and to Adult Protective Services agencies (under § 14-302 of the Family Law Article). We expect the Division of Securities by regulation after enactment of the Bill to implement an education program to the new reporters on how to detect possible financial abuse of vulnerable adults. Each reporting professional is protected from any liability on account of reporting the suspected abuse with a civil hold harmless provision in the Bill.

Department of Health and Human Services

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It is important that the eyes and ears of Maryland licensed professionals, whether in the financial or the health care arena, be vigilant in protecting our most vulnerable citizens from abuse. It is for this reason that we urge your Committee, and thereafter the full Senate, to support the vulnerable adult protection provisions of the Bill, which is modeled after legislation drafted by the North American Securities Administrators Association, an organization devoted to investor protection.

If you need any additional information or support from the COA, please do not hesitate to contact us.

Thank you
Noelle Heyman, Chair

Montgomery County Commission on Aging

Cc: Delegate Dereck D. Davis
Securities Commissioner, Melanie Senter Lubin,