

**CITY OF BALTIMORE  
COUNCIL BILL 11-0268R  
(Resolution)**

---

Introduced by: Councilmembers Spector, Henry, Cole, Middleton, Holton, Reisinger, Clarke,  
Welch, D'Adamo, Kraft, President Young, Councilmembers Conaway, Branch

Introduced and read first time: March 14, 2011

Assigned to: Urban Affairs and Aging Committee

---

REFERRED TO THE FOLLOWING AGENCIES: Commission on Aging and Retirement Education,  
Health Department, Department of Social Services

---

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Adult Protective Services**

3 FOR the purpose of inviting the Director, Baltimore City Department of Social Services, the  
4 Administrator and the Services Program Manager, Baltimore City Office of Adult Protective  
5 Services to report to the Council on the operations of the agency; on the number of  
6 incidences of abuse and neglect of adult vulnerable persons reported each year; the number  
7 of cases that are substantiated; efforts to educate communities about abuse of the elderly and  
8 the vulnerable; and the procedures and responsibilities for reporting abuse.

9 **Recitals**

10 Adult Protective Services serves persons aged 18 and over who lack the physical or mental  
11 capacity to provide for their daily needs. The purpose of the program is to prevent or remedy the  
12 abuse, neglect, self-neglect, or exploitation of adults who are unable to protect their own  
13 interests and are at risk of immediate harm to their own person or to others. The program  
14 provides professional services to protect the health, safety, and welfare of endangered,  
15 vulnerable adults living in the community by themselves, in family homes, group homes, or  
16 assisted living facilities.

17 The National Center on Elder Abuse reports that every day there are headlines throughout the  
18 U.S. that paint a grim picture of seniors who have been abused, neglected, and exploited, often  
19 by the people they most trust. Abusers may be spouses, family members, personal  
20 acquaintances, professionals in positions of trust, or opportunistic strangers who prey on the  
21 vulnerable. While no one knows for certain how large the problem is, research indicates that  
22 more than 1 in 10 elders may experience some type of abuse, but only 1 in 5 cases or fewer are  
23 reported.

24 Vulnerable adults are an at-risk population for abuse. Vulnerable adults are described as  
25 those over the age of 18, who are vulnerable due to their age, mental, emotional, or physical  
26 abilities – examples include those who are paralyzed, disabled, confused, and who rely on others  
27 to provide their care. These individuals can be neglected, abused, or exploited financially. The  
28 U.S. Senate has estimated the number of victims at 5 million a year. Victims often do not report  
29 due to embarrassment, fear of rejection by loved ones, or fear of having to leave their homes.

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

## Council Bill 11-0268R

1 Adult Protective Services dictates that under the law any health practitioner, police officer, or  
2 human service worker who has reason to believe that a vulnerable adult is in danger is required  
3 to report that fact to the local department of social services. Any concerned person may also  
4 make such a report. Persons who report the need for Adult Protective Services are protected  
5 under the law. Section 14-309 of the Family Law Article states; “any person who in good faith  
6 makes or participates in making a report under this subtitle or participates in an investigation or a  
7 judicial proceeding resulting from a report under this subtitle is immune from any civil liability  
8 that would otherwise result.”

9 *Nursing Facilities’ Employment of Individuals With Criminal Convictions*, 3/1/2011 Office  
10 of the Inspector General: U.S. Department of Health and Human Services states: “Our analysis  
11 of criminal history records maintained by the Federal Bureau of Investigation (FBI) revealed that  
12 92% of nursing facilities employed at least one individual with at least one criminal conviction . .  
13 . Nearly ½ of nursing facilities employed 5 or more individuals with a least one conviction. For  
14 example, a nursing facility with a total of 164 employees had 34 employees with at least one  
15 conviction each.”

16 The Inspector General found that no federal law or regulation specifically requires nursing  
17 homes to check federal or state criminal history records for prospective employees. Ten states  
18 require a check of FBI and state records, while 33 require a check of state records, and the  
19 remainder have no explicit requirements. Given the patchwork of requirements, people  
20 convicted of crimes in one state have been able to obtain jobs in the same or related fields in  
21 other states.

22 It is reasonable to assume that the conditions that exist for the hiring of employees in the  
23 comparatively more formal setting of nursing homes carry over to the less-formal care-giving  
24 settings of group homes, assisted living, or individual home health aides. The persons who find  
25 themselves in these settings are even more vulnerable to abuse, neglect, and exploitation.

26 Baltimore neighborhoods need be made aware that it is the responsibility of the larger  
27 community to look out for the well-being of the most vulnerable individuals among us.

28 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the  
29 Director, Baltimore City Department of Social Services, the Administrator and the Services  
30 Program Manager, Baltimore City Office of Adult Protective Services are requested to report to  
31 the Council on the operations of the agency; on the number of incidences of abuse and neglect of  
32 adult vulnerable persons reported each year; the number of cases that are substantiated; efforts to  
33 educate communities about abuse of the elderly and the vulnerable; and the procedures and  
34 responsibilities for reporting abuse.

35 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Mayor, the  
36 Director, Baltimore City Department of Social Services, the Administrator and Services Program  
37 Manager, the Baltimore City Office of Adult Protective Services, the Acting Director, Office of  
38 Aging and CARE Services, and the Mayor’s Legislative Liaison to the City Council.