

HOUSE BILL 820

D4
HB 1252/19 – JUD

0lr1263

By: **Delegates McComas, Anderson, Bartlett, Buckel, Chisholm, Hornberger, Kipke, Lopez, Malone, Pippy, Saab, Shoemaker, and Szeliga**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Training of Health Care Professionals**

3 FOR the purpose of requiring the Maryland Department of Health to provide certain boards
4 with a list of certain generally recommended courses relating to the obligation to
5 report child abuse and neglect and the identification of abused and neglected
6 children; requiring certain boards to post certain information prominently on each
7 board's website, provide information about certain recommended courses to certain
8 health care professionals at a certain time, or advertise the availability of certain
9 recommended courses in certain media; providing for the application of certain
10 provisions of this Act; defining certain terms; and generally relating to child abuse
11 and neglect and the training of health care professionals.

12 BY repealing and reenacting, without amendments,

13 Article – Family Law

14 Section 5–704

15 Annotated Code of Maryland

16 (2019 Replacement Volume)

17 BY adding to

18 Article – Health Occupations

19 Section 1–225

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Family Law**

25 5–704.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney.

(2) (i) An agency to which an oral report of suspected abuse or neglect is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

Article – Health Occupations

1–225.

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

(2) “BOARD” MEANS ANY BOARD AUTHORIZED UNDER THIS ARTICLE TO TAKE ACTION AGAINST AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, A REGISTRANT, OR A PERMIT HOLDER WHO KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE.

(3) “HEALTH CARE PROFESSIONAL” MEANS ANY APPLICANT, LICENSEE, CERTIFICATE HOLDER, REGISTRANT, OR PERMIT HOLDER GOVERNED BY A BOARD.

(B) THE DEPARTMENT SHALL PROVIDE TO EACH BOARD A LIST OF GENERALLY RECOMMENDED COURSES ON:

(1) THE OBLIGATION TO REPORT ABUSE AND NEGLECT AS REQUIRED BY § 5–704 OF THE FAMILY LAW ARTICLE; AND

(2) THE IDENTIFICATION OF ABUSED AND NEGLECTED CHILDREN.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO A BOARD THAT REQUIRES A LICENSEE, A CERTIFICATE HOLDER, A REGISTRANT, OR A PERMIT HOLDER TO OBTAIN CONTINUING EDUCATION ON THE IDENTIFICATION AND REPORTING OF ABUSED AND NEGLECTED CHILDREN.

(2) EACH BOARD SHALL:

(I) POST THE INFORMATION REQUIRED FOR A PROSPECTIVE STUDENT TO ENROLL FOR ONE OR MORE OF THE RECOMMENDED COURSES PROVIDED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION PROMINENTLY ON THE BOARD’S WEBSITE;

(II) PROVIDE INFORMATION ABOUT THE RECOMMENDED COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF LICENSURE; OR

1 **(III) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED**
2 **COURSES IN THE NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2020.