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By: Senators Teitelbaum, Collins, Dyson, Hollinger, and Sfikas

Introduced and read first time: January 27, 1999 Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

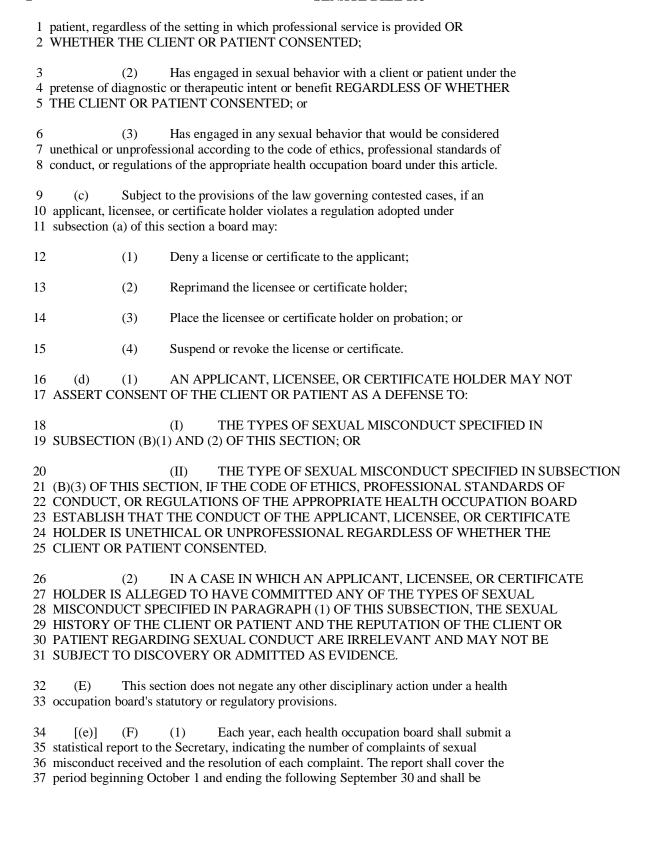
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2 Health Occupations - Sexual Misconduct

- 3 FOR the purpose of establishing that health care providers may not assert consent of
- 4 the client or patient as a defense to certain types of sexual misconduct;
- 5 establishing that in such cases the sexual history of the client or patient and the
- 6 reputation of the client or patient regarding sexual conduct is irrelevant and
- 7 may not be subject to discovery or admitted as evidence; and generally relating
- 8 to health occupations and disciplinary actions involving sexual misconduct.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Health Occupations
- 11 Section 1-212
- 12 Annotated Code of Maryland
- 13 (1994 Replacement Volume and 1998 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

16 Article - Health Occupations

- 17 1-212.
- 18 (a) Each health occupation board authorized to issue a license or certificate
- 19 under this article shall adopt regulations that:
- 20 (1) Prohibit sexual misconduct; and
- 21 (2) Provide for the discipline of a licensee or certificate holder found to be
- 22 guilty of sexual misconduct.
- 23 (b) For the purposes of the regulations adopted in accordance with subsection
- 24 (a) of this section, "sexual misconduct" shall be construed to include, at a minimum,
- 25 behavior where a health care provider:
- 26 (1) Has engaged in sexual behavior with a client or patient in the context
- 27 of a professional evaluation, treatment, procedure, or other service to the client or



- 1 submitted by the board not later than the November 15 following the reporting 2 period.
- 3 (2) The Secretary shall compile the information received from the health 4 occupation boards and submit an annual report to the General Assembly, in
- 5 accordance with § 2-1246 of the State Government Article, not later than December
- 6 31 of each year.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 8 October 1, 1999.