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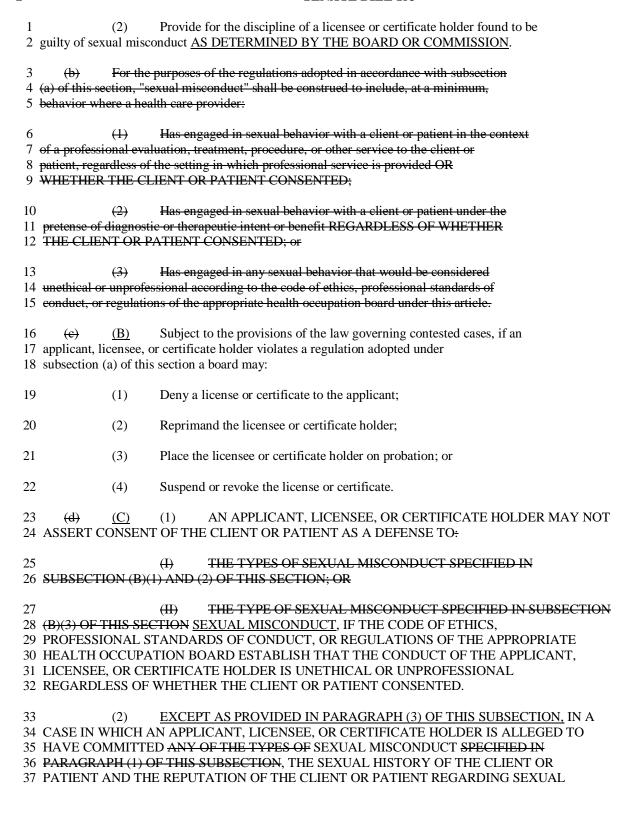
(1)

1999 Regular Session 9lr0792

| By: Senators Teitelbaum, Collins, Dyson, Hollinger, and Sfikas   |
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| Introduced and read first time: January 27, 1999<br>Assigned to: Economic and Environmental Affairs  |
| Consider Brook French and the second   |
| Committee Report: Favorable with amendments Senate action: Adopted   |
| Read second time: March 12, 1999   |
|  |
| CHAPTER  |
| 1 AN ACT concerning  |
| 2 Health Occupations - Sexual Misconduct   |
| 3 FOR the purpose of establishing that health care providers may not assert consent of   |
| the client or patient as a defense to certain types of sexual misconduct;  |
| establishing that in such cases the sexual history of the client or patient and the reputation of the client or patient regarding sexual conduct is irrelevant and |
| 7 may not be subject to discovery or admitted as evidence; repealing a certain   |
| 8 <u>definition; providing for a certain exception;</u> and generally relating to health   |
| 9 occupations and disciplinary actions involving sexual misconduct.  |
| 10 BY repealing and reenacting, with amendments,   |
| 11 Article - Health Occupations  |
| 12 Section 1-212   |
| Annotated Code of Maryland (1994 Replacement Volume and 1998 Supplement)   |
| 14 (17)4 Replacement Volume and 1776 Supplement)   |
| 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF   |
| 16 MARYLAND, That the Laws of Maryland read as follows:  |
| 17 Article - Health Occupations  |
| 18 1-212.  |
| 19 (a) Each health occupation board authorized to issue a license or certificate   |
| 20 under this article shall adopt regulations that:  |

Prohibit sexual misconduct; and

## **SENATE BILL 153**



25 October 1, 1999.

## **SENATE BILL 153**

- 1 CONDUCT ARE IRRELEVANT AND MAY NOT BE SUBJECT TO DISCOVERY OR ADMITTED 2 AS EVIDENCE. 3 THE SEXUAL HISTORY OF A CLIENT OR PATIENT MAY BE ADMITTED 4 INTO EVIDENCE AT A HEARING CONDUCTED BY OR ON BEHALF OF A HEALTH 5 OCCUPATION BOARD IF THE EVIDENCE: RELATES TO THE CLIENT'S OR PATIENT'S CONDITION THAT WAS 6 (I) 7 EVALUATED OR TREATED BY THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER; IS RELEVANT AND MATERIAL TO A FACT IN ISSUE IN THE CASE; 8 <u>(II)</u> 9 AND 10 (III)POSSESSES PROBATIVE VALUE THAT OUTWEIGHS ITS 11 INFLAMMATORY OR PREJUDICIAL NATURE. 12 <del>(E)</del> (D) This section does not negate any other disciplinary action under a 13 health occupation board's statutory or regulatory provisions. 14 Each year, each health occupation board shall submit a f(e)(1) 15 statistical report to the Secretary, indicating the number of complaints of sexual 16 misconduct received and the resolution of each complaint. The report shall cover the 17 period beginning October 1 and ending the following September 30 and shall be 18 submitted by the board not later than the November 15 following the reporting 19 period. 20 The Secretary shall compile the information received from the health 21 occupation boards and submit an annual report to the General Assembly, in 22 accordance with § 2-1246 of the State Government Article, not later than December 23 31 of each year.
- 24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect