

HOUSE BILL 897

J2, O4, D4

3lr2467
CF SB 570

By: **Delegates Hough, Cluster, Dumais, Glass, Hogan, Krebs, and McDermott**
Introduced and read first time: February 7, 2013
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Licensing and Certification Governing Bodies – Child Abuse**
3 **Mandated Reporter Training and Discipline**

4 FOR the purpose of requiring certain governing bodies that issue licenses or
5 certificates to certain individuals required to report child abuse or neglect to
6 adopt certain regulations requiring each licensee or certificate holder to
7 complete training in the recognition of child abuse and child sex abuse as a
8 condition of licensure or certification; requiring the investigation of certain
9 individuals and providing for certain discipline under certain circumstances;
10 authorizing certain disciplinary actions to be included in certain regulations;
11 providing that certain administrative disciplinary actions may not be construed
12 to limit the taking of other disciplinary actions authorized by law; and generally
13 relating to child abuse mandated reporter training as a licensing requirement
14 by a professional licensing or certification governing body.

15 BY adding to

16 Article – Family Law
17 Section 5–704.2
18 Annotated Code of Maryland
19 (2012 Replacement Volume)

20 BY adding to

21 Article – Health Occupations
22 Section 1–220
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

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

27 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **5-704.2.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH
3 GOVERNING BODY AUTHORIZED TO ISSUE A LICENSE OR CERTIFICATE TO A
4 HEALTH PRACTITIONER, POLICE OFFICER, EDUCATOR, OR HUMAN SERVICE
5 WORKER IN THE STATE WHO IS REQUIRED TO REPORT CHILD ABUSE OR
6 NEGLECT UNDER § 5-704 OF THIS SUBTITLE SHALL ADOPT REGULATIONS THAT:

7 (1) REQUIRE EACH LICENSEE OR CERTIFICATE HOLDER TO
8 COMPLETE TRAINING IN THE RECOGNITION OF CHILD ABUSE AND CHILD SEX
9 ABUSE AS A CONDITION OF LICENSURE OR CERTIFICATION;

10 (2) REQUIRE THE INVESTIGATION OF A LICENSEE OR
11 CERTIFICATE HOLDER THAT THE GOVERNING BODY HAS PROBABLE CAUSE TO
12 BELIEVE HAS FAILED TO REPORT CHILD ABUSE OR CHILD SEX ABUSE IN
13 VIOLATION OF § 5-704 OF THIS SUBTITLE; AND

14 (3) PROVIDE FOR THE DISCIPLINE OF A LICENSEE OR
15 CERTIFICATE HOLDER FOUND TO HAVE KNOWINGLY FAILED TO REPORT CHILD
16 ABUSE OR CHILD SEX ABUSE IN VIOLATION OF § 5-704 OF THIS SUBTITLE.

17 (B) THE DISCIPLINARY ACTIONS PROVIDED IN REGULATIONS ADOPTED
18 BY A GOVERNING BODY UNDER SUBSECTION (A)(3) OF THIS SUBSECTION MAY
19 INCLUDE:

20 (1) REPRIMANDING THE LICENSEE OR CERTIFICATE HOLDER;

21 (2) PLACING THE LICENSEE OR CERTIFICATE HOLDER ON
22 PROBATION; OR

23 (3) SUSPENDING OR REVOKING A LICENSE OR CERTIFICATE.

24 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A GOVERNING
25 BODY FROM TAKING ANY OTHER DISCIPLINARY ACTION AUTHORIZED BY LAW.

26 **Article – Health Occupations**

27 **1-220.**

28 (A) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A
29 LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL ADOPT REGULATIONS
30 THAT:

1 **(1) REQUIRE EACH LICENSEE OR CERTIFICATE HOLDER TO**
2 **COMPLETE TRAINING IN THE RECOGNITION OF CHILD ABUSE AND CHILD SEX**
3 **ABUSE AS A CONDITION OF LICENSURE OR CERTIFICATION;**

4 **(2) REQUIRE THE INVESTIGATION OF A LICENSEE OR**
5 **CERTIFICATE HOLDER THAT THE GOVERNING BODY HAS PROBABLE CAUSE TO**
6 **BELIEVE HAS FAILED TO REPORT CHILD ABUSE OR CHILD SEX ABUSE IN**
7 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE; AND**

8 **(3) PROVIDE FOR THE DISCIPLINE OF A LICENSEE OR**
9 **CERTIFICATE HOLDER FOUND TO HAVE KNOWINGLY FAILED TO REPORT CHILD**
10 **ABUSE OR CHILD SEX ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW**
11 **ARTICLE.**

12 **(B) THE DISCIPLINARY ACTIONS PROVIDED IN REGULATIONS ADOPTED**
13 **BY A GOVERNING BODY UNDER SUBSECTION (A)(3) OF THIS SECTION MAY**
14 **INCLUDE:**

15 **(1) REPRIMANDING THE LICENSEE OR CERTIFICATE HOLDER;**

16 **(2) PLACING THE LICENSEE OR CERTIFICATE HOLDER ON**
17 **PROBATION; OR**

18 **(3) SUSPENDING OR REVOKING A LICENSE OR CERTIFICATE.**

19 **(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A BOARD**
20 **FROM TAKING ANY OTHER DISCIPLINARY ACTION AUTHORIZED BY LAW.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.