

SENATE BILL 685

D4, O4

4lr2619
CF HB 1284

By: **Senator Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Abuse and Neglect – Provision of Information to Health**
3 **Care ~~Provider~~ Practitioners**

4 FOR the purpose of requiring the State Department of Human Resources or a local
5 department of social services to ~~notify a certain physician or health care~~
6 ~~provider of a child of certain information; requiring the Department or local~~
7 ~~department to provide the physician or provider~~ to a health care practitioner
8 certain information if requested by the ~~physician or provider~~ health care
9 practitioner or a certain agency, institution, or program under certain
10 circumstances; requiring the Department to work with relevant stakeholders
11 and report the outcome of the work to certain committees of the General
12 Assembly on or before a certain date; defining a certain term; and generally
13 relating to the provision of certain information to ~~a certain physician or health~~
14 ~~care provider of a child~~ practitioners.

15 BY adding to

16 Article – Family Law

17 Section 5–712.1

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2013 Supplement)

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

22 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-712.1.

2 ~~(A) IN THIS SECTION, "PROVIDER" HAS THE MEANING STATED IN §~~
3 ~~5-712 OF THIS SUBTITLE.~~

4 ~~(B) THE DEPARTMENT OR LOCAL DEPARTMENT SHALL NOTIFY THE~~
5 ~~PRIMARY CARE PHYSICIAN OF A CHILD OR A PROVIDER WHO IS PROVIDING~~
6 ~~ONGOING CARE TO A CHILD OF:~~

7 ~~(1) THE INITIATION OF AN ASSESSMENT, AN INVESTIGATION, OR A~~
8 ~~PROVISION OF SERVICES BY A LOCAL DEPARTMENT UNDER THIS SUBTITLE AND~~
9 ~~THE REASON FOR THE ASSESSMENT, INVESTIGATION, OR PROVISION OF~~
10 ~~SERVICES TO THE CHILD;~~

11 ~~(2) THE DEVELOPMENT OF A SERVICE PLAN FOR THE CHILD AND~~
12 ~~THE CHILD'S FAMILY;~~

13 ~~(3) THE FINAL STATUS OF ANY ASSESSMENT, INVESTIGATION, OR~~
14 ~~ALTERNATIVE RESPONSE AND THE DETERMINATION OR FINDINGS OF THAT~~
15 ~~ASSESSMENT, INVESTIGATION, OR ALTERNATIVE RESPONSE; AND~~

16 ~~(4) ANY CHANGES TO OR THE CLOSURE OF AN ASSESSMENT, AN~~
17 ~~INVESTIGATION, OR ANY OTHER PROVISION OF SERVICES.~~

18 ~~(C) IF REQUESTED BY THE PRIMARY CARE PHYSICIAN OF A CHILD OR A~~
19 ~~PROVIDER WHO IS PROVIDING ONGOING CARE TO A CHILD, THE DEPARTMENT~~
20 ~~OR LOCAL DEPARTMENT SHALL PROVIDE TO THE PHYSICIAN OR PROVIDER:~~

21 ~~(1) INFORMATION REGARDING THE CONDITION AND WELL-BEING~~
22 ~~OF THE CHILD AND THE PROGRESS AND OUTCOME OF AN INVESTIGATION~~
23 ~~UNDER THIS SUBTITLE;~~

24 ~~(2) PROTECTIVE SERVICES RECORDS REGARDING THE CHILD AND~~
25 ~~ANY OTHER CHILD IN THE CHILD'S HOUSEHOLD IF THE INFORMATION RELATES~~
26 ~~TO THE MEDICAL EVALUATION AND CARE OF THE CHILD; AND~~

27 ~~(3) THE IDENTITY OF OTHER PROVIDERS PROVIDING CARE TO~~
28 ~~THE CHILD IN ORDER TO OBTAIN THE CHILD'S MEDICAL RECORDS.~~

29 (A) IN THIS SECTION, "HEALTH CARE PRACTITIONER" HAS THE
30 MEANING STATED IN § 1-301 OF THE HEALTH OCCUPATIONS ARTICLE.

1 **(B) IF REQUESTED BY A HEALTH CARE PRACTITIONER OR ANOTHER**
2 **AGENCY, INSTITUTION, OR PROGRAM PROVIDING TREATMENT OR CARE TO A**
3 **CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE OR NEGLECT FOR A**
4 **PURPOSE RELEVANT TO THE TREATMENT OR CARE BEING PROVIDED, THE**
5 **DEPARTMENT OR LOCAL DEPARTMENT SHALL PROVIDE TO THE REQUESTOR:**

6 **(1) INFORMATION REGARDING THE CONDITION AND WELL-BEING**
7 **OF THE CHILD;**

8 **(2) INFORMATION REGARDING THE MEDICAL, MENTAL HEALTH,**
9 **AND DEVELOPMENTAL NEEDS OF THE CHILD;**

10 **(3) THE NAME OF ANY OTHER HEALTH CARE PRACTITIONER**
11 **IDENTIFIED IN THE RECORD AS PROVIDING CARE OR TREATMENT TO THE**
12 **CHILD; AND**

13 **(4) ANY OTHER RELEVANT INFORMATION IN THE RECORD OR**
14 **REPORT.**

15 **(C) IN PROVIDING INFORMATION UNDER SUBSECTION (B) OF THIS**
16 **SECTION, THE DEPARTMENT OR LOCAL DEPARTMENT MAY NOT RELEASE**
17 **INFORMATION RELATED TO THE IDENTITY OF THE PERSON WHO REPORTED THE**
18 **CHILD ABUSE OR NEGLECT.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
20 Human Resources shall:

21 (a) work with relevant stakeholders to:

22 (1) identify additional policies, procedures, and systems that can be
23 implemented to improve communication between the Department, local departments,
24 and health care practitioners regarding the health care needs of children who are the
25 subject of a report of child abuse or neglect; and

26 (2) consider the issues relevant to the adoption by the Department of
27 requirements for affirmative communication with health care practitioners; and

28 (b) on or before December 1, 2014, report the outcome of the work conducted
29 under subsection (a) of this section to the Senate Judicial Proceedings Committee and
30 the House Judiciary Committee, in accordance with § 2-1246 of the State Government
31 Article.

32 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2014.