

Chapter 190

(Senate Bill 685)

AN ACT concerning

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

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

BY adding to

Article – Family Law

Section 5-712.1

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

5-712.1.

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

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

~~(1) THE INITIATION OF AN ASSESSMENT, AN INVESTIGATION, OR A PROVISION OF SERVICES BY A LOCAL DEPARTMENT UNDER THIS SUBTITLE AND~~

~~THE REASON FOR THE ASSESSMENT, INVESTIGATION, OR PROVISION OF SERVICES TO THE CHILD;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) work with relevant stakeholders to:

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

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

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

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

Approved by the Governor, April 14, 2014.