

HOUSE BILL 1252

D4, J2
HB 600/18 – JUD

9lr2801

By: **Delegates McComas, Anderson, Arikan, Dumais, Lisanti, and Malone**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse and Neglect – Training of Health Care Professionals**

3 FOR the purpose of requiring the Maryland Department of Health to provide certain boards
4 with a list of certain generally recommended courses relating to the obligation to
5 report child abuse and neglect and the identification of abused and neglected
6 children; requiring certain boards to post ~~a~~ certain ~~list~~ information prominently on
7 each board's website, provide information about certain recommended courses to
8 certain health care professionals at a certain time, ~~and~~ or advertise the availability
9 of certain recommended courses in certain media; providing for the application of
10 certain provisions of this Act; defining certain terms; and generally relating to child
11 abuse and neglect and the training of certain health care professionals.

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 5–704
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Health Occupations
19 Section 1–225
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2018 Supplement)

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

3 **Article – Family Law**

4 5–704.

5 (a) Notwithstanding any other provision of law, including any law on privileged
6 communications, each health practitioner, police officer, educator, or human service
7 worker, acting in a professional capacity in this State:

8 (1) who has reason to believe that a child has been subjected to abuse or
9 neglect, shall notify the local department or the appropriate law enforcement agency; and

10 (2) if acting as a staff member of a hospital, public health agency, child care
11 institution, juvenile detention center, school, or similar institution, shall immediately
12 notify and give all information required by this section to the head of the institution or the
13 designee of the head.

14 (b) (1) An individual who notifies the appropriate authorities under subsection
15 (a) of this section shall make:

16 (i) an oral report, by telephone or direct communication, as soon as
17 possible to the local department or appropriate law enforcement agency; and

18 (ii) a written report:

19 1. to the local department not later than 48 hours after the
20 contact, examination, attention, or treatment that caused the individual to believe that the
21 child had been subjected to abuse or neglect; and

22 2. with a copy to the local State's Attorney.

23 (2) (i) An agency to which an oral report of suspected abuse or neglect
24 is made under paragraph (1) of this subsection shall immediately notify the other agency.

25 (ii) This paragraph does not prohibit a local department and an
26 appropriate law enforcement agency from agreeing to cooperative arrangements.

27 (c) Insofar as is reasonably possible, an individual who makes a report under this
28 section shall include in the report the following information:

29 (1) the name, age, and home address of the child;

30 (2) the name and home address of the child's parent or other person who is
31 responsible for the child's care;

- 1 (3) the whereabouts of the child;
- 2 (4) the nature and extent of the abuse or neglect of the child, including any
3 evidence or information available to the reporter concerning possible previous instances of
4 abuse or neglect; and
- 5 (5) any other information that would help to determine:
- 6 (i) the cause of the suspected abuse or neglect; and
- 7 (ii) the identity of any individual responsible for the abuse or neglect.

8 Article – Health Occupations

9 1–225.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) “BOARD” MEANS:

- 13 ~~(I) THE STATE BOARD OF DENTAL EXAMINERS;~~
- 14 ~~(II) THE STATE BOARD OF NURSING;~~
- 15 ~~(III) THE STATE BOARD OF EXAMINERS IN OPTOMETRY;~~
- 16 ~~(IV) THE STATE BOARD OF PHARMACY;~~
- 17 ~~(V) THE STATE BOARD OF PHYSICIANS;~~
- 18 ~~(VI) THE STATE BOARD OF PODIATRIC MEDICAL EXAMINERS;~~
- 19 ~~(VII) THE STATE BOARD OF PROFESSIONAL COUNSELORS AND~~
20 ~~THERAPISTS;~~
- 21 ~~(VIII) THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS;~~
- 22 ~~(IX) THE STATE BOARD OF SOCIAL WORK EXAMINERS; AND~~
- 23 ~~(X) ANY OTHER ANY BOARD AUTHORIZED UNDER THIS ARTICLE~~
24 ~~TO TAKE ACTION AGAINST AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, A~~
25 ~~REGISTRANT, OR A PERMIT HOLDER WHO KNOWINGLY FAILS TO REPORT SUSPECTED~~
26 ~~CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE.~~

1 (3) "HEALTH CARE PROFESSIONAL" MEANS:

2 (I) ~~A DENTIST LICENSED BY THE STATE BOARD OF DENTAL~~
3 ~~EXAMINERS;~~

4 (II) ~~A REGISTERED NURSE OR LICENSED PRACTICAL NURSE~~
5 ~~LICENSED BY THE STATE BOARD OF NURSING;~~

6 (III) ~~AN OPTOMETRIST LICENSED BY THE STATE BOARD OF~~
7 ~~EXAMINERS IN OPTOMETRY;~~

8 (IV) ~~A PHARMACIST LICENSED BY THE STATE BOARD OF~~
9 ~~PHARMACY;~~

10 (V) ~~A PHYSICIAN LICENSED BY THE STATE BOARD OF~~
11 ~~PHYSICIANS;~~

12 (VI) ~~A PODIATRIST LICENSED BY THE STATE BOARD OF~~
13 ~~PODIATRIC MEDICAL EXAMINERS;~~

14 (VII) ~~AN INDIVIDUAL LICENSED BY THE STATE BOARD OF~~
15 ~~PROFESSIONAL COUNSELORS AND THERAPISTS;~~

16 (VIII) ~~A PSYCHOLOGIST LICENSED BY THE STATE BOARD OF~~
17 ~~EXAMINERS OF PSYCHOLOGISTS;~~

18 (IX) ~~AN ASSOCIATE SOCIAL WORKER, A GRADUATE SOCIAL~~
19 ~~WORKER, A CERTIFIED SOCIAL WORKER, OR A CERTIFIED SOCIAL~~
20 ~~WORKER-CLINICAL LICENSED BY THE STATE BOARD OF SOCIAL WORK EXAMINERS;~~
21 ~~AND~~

22 (X) ~~ANY OTHER~~ ANY APPLICANT, LICENSEE, CERTIFICATE
23 HOLDER, REGISTRANT, OR PERMIT HOLDER GOVERNED BY A BOARD.

24 (B) THE DEPARTMENT SHALL PROVIDE TO EACH BOARD A LIST OF
25 GENERALLY RECOMMENDED COURSES ON:

26 (1) THE OBLIGATION TO REPORT ABUSE AND NEGLECT AS REQUIRED
27 BY § 5-704 OF THE FAMILY LAW ARTICLE; AND

28 (2) THE IDENTIFICATION OF ABUSED AND NEGLECTED CHILDREN.

29 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A BOARD THAT REQUIRES
30 A LICENSEE, A CERTIFICATE HOLDER, A REGISTRANT, OR A PERMIT HOLDER TO

1 OBTAIN CONTINUING EDUCATION ON THE IDENTIFICATION AND REPORTING OF
2 ABUSED AND NEGLECTED CHILDREN.

3 **(2) EACH BOARD SHALL:**

4 **~~(1)~~ (I) POST ~~THE LIST~~ THE INFORMATION REQUIRED FOR A**
5 **PROSPECTIVE STUDENT TO ENROLL FOR ONE OR MORE OF THE RECOMMENDED**
6 **COURSES PROVIDED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION**
7 **PROMINENTLY ON THE BOARD’S WEBSITE;**

8 **~~(2)~~ (II) PROVIDE INFORMATION ABOUT THE RECOMMENDED**
9 **COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF**
10 **LICENSURE; ~~AND OR~~**

11 **~~(3)~~ (III) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED**
12 **COURSES IN THE NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.