

HOUSE BILL 701

D4, J2
HB 1252/19 – JUD

1lr1837

By: **Delegate McComas**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

A BILL ENTITLED

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 certain information prominently on each
7 board's website, provide information about certain recommended courses to certain
8 health care professionals at a certain time, or advertise the availability of certain
9 recommended courses in certain media; providing for the application of certain
10 provisions of this Act; defining certain terms; and generally relating to child abuse
11 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 (2019 Replacement Volume and 2020 Supplement)

17 BY adding to
18 Article – Health Occupations
19 Section 1–225
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2020 Supplement)

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

24 **Article – Family Law**

25 5–704.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

14 (ii) a written report:

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

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

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

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

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

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

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

28 (3) the whereabouts of the child;

29 (4) the nature and extent of the abuse or neglect of the child, including any
30 evidence or information available to the reporter concerning possible previous instances of
31 abuse or neglect; and

32 (5) any other information that would help to determine:

- 1 (i) the cause of the suspected abuse or neglect; and
- 2 (ii) the identity of any individual responsible for the abuse or neglect.

3 **Article – Health Occupations**

4 **1-225.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “BOARD” MEANS ANY BOARD AUTHORIZED UNDER THIS ARTICLE
8 TO TAKE ACTION AGAINST AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, A
9 REGISTRANT, OR A PERMIT HOLDER WHO KNOWINGLY FAILS TO REPORT SUSPECTED
10 CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

11 (3) “HEALTH CARE PROFESSIONAL” MEANS ANY APPLICANT,
12 LICENSEE, CERTIFICATE HOLDER, REGISTRANT, OR PERMIT HOLDER GOVERNED BY
13 A BOARD.

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

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

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

19 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A BOARD THAT REQUIRES
20 A LICENSEE, A CERTIFICATE HOLDER, A REGISTRANT, OR A PERMIT HOLDER TO
21 OBTAIN CONTINUING EDUCATION ON THE IDENTIFICATION AND REPORTING OF
22 ABUSED AND NEGLECTED CHILDREN.

23 (2) EACH BOARD SHALL:

24 (I) POST THE INFORMATION REQUIRED FOR A PROSPECTIVE
25 STUDENT TO ENROLL FOR ONE OR MORE OF THE RECOMMENDED COURSES
26 PROVIDED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION PROMINENTLY
27 ON THE BOARD’S WEBSITE;

28 (II) PROVIDE INFORMATION ABOUT THE RECOMMENDED
29 COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF
30 LICENSURE; OR

1 **(III) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED**
2 **COURSES IN THE NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.