

HOUSE BILL 1323

E2, J1

2lr2827

By: **Delegate Bartlett**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Victims of Sexual Abuse – Provision of Services – Technical Correction**

3 FOR the purpose of correcting a cross–reference relating to a requirement that a physician
4 or hospital to provide certain services to victims of sexual abuse without charge to
5 the victim; and generally relating to services provided to victims of sexual abuse.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 11–925
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 11–1007
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2021 Supplement)

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

18 **Article – Criminal Procedure**

19 11–925.

20 Applicable health care services shall be given without charge to a victim of sexual
21 abuse, as provided under [§ 15–127 of the Health – General Article] **§ 11–1007 OF THIS**
22 **TITLE.**

23 11–1007.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Child” means any individual under the age of 18 years.

3 (3) “Initial assessment” includes:

4 (i) a psychological evaluation;

5 (ii) a parental interview; and

6 (iii) a medical evaluation.

7 (4) “Physician” means an individual who is authorized under the Maryland
8 Medical Practice Act to practice medicine in the State.

9 (5) “Qualified health care provider” means an individual who is licensed by
10 a health occupations board established under the Health Occupations Article.

11 (6) (i) “Sexual abuse” means any act that involves sexual molestation
12 or exploitation of a child whether or not the sexual molestation or exploitation of the child
13 is by a parent or other individual who has permanent or temporary care, custody, or
14 responsibility for supervision of a child, or by any household or family member.

15 (ii) “Sexual abuse” includes:

16 1. incest, rape, or sexual offense in any degree; and

17 2. unnatural or perverted sexual practices.

18 (b) If a physician, a qualified health care provider, or a hospital provides a service
19 described in subsection (c) of this section to a victim of an alleged rape or sexual offense or
20 a victim of alleged child sexual abuse:

21 (1) the services shall be provided without charge to the individual; and

22 (2) the physician, qualified health care provider, or hospital:

23 (i) is entitled to be paid by the Criminal Injuries Compensation
24 Board as provided under Subtitle 8 of this title for the costs of providing the services;

25 (ii) shall provide written or electronic verification signed by a
26 physician or qualified health care provider to the Criminal Injuries Compensation Board
27 that services described in subsection (c) of this section were rendered to a victim of an
28 alleged rape or sexual offense or a victim of alleged child sexual abuse; and

1 (iii) may not include in any request to obtain payment under this
2 subsection a narrative describing the alleged offense of a victim or a photograph of the
3 victim.

4 (c) This section applies to the following services:

5 (1) a physical and sexual assault forensic examination to gather
6 information and evidence as to an alleged crime when the examination is conducted within
7 15 days of the alleged crime or a longer period as provided by regulation;

8 (2) emergency hospital treatment and follow-up medical testing for up to
9 90 days after the initial physical examination; and

10 (3) for up to 5 hours of professional time to gather information and evidence
11 of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse
12 by:

13 (i) a physician;

14 (ii) qualified hospital health care personnel;

15 (iii) a qualified health care provider;

16 (iv) a mental health professional; or

17 (v) an interdisciplinary team expert in the field of child abuse.

18 (d) (1) A physician or a qualified health care provider who examines a victim
19 of alleged child sexual abuse under the provisions of this section is immune from civil
20 liability that may result from the failure of the physician or qualified health care provider
21 to obtain consent from the child's parent, guardian, or custodian for the examination or
22 treatment of the child.

23 (2) The immunity extends to:

24 (i) any hospital with which the physician or qualified health care
25 provider is affiliated or to which the child is brought; and

26 (ii) any individual working under the control or supervision of the
27 hospital.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2022.