

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

Senate Bill 153 (Senator Teitelbaum. *et al.*)

Economic and Environmental Affairs

Health Occupations - Sexual Misconduct

This bill repeals the definition of sexual misconduct, and allows a health occupation board or commission to make the determination as to what constitutes sexual misconduct.

The bill also prohibits health care providers from asserting consent of the client or patient as a defense to sexual misconduct. The sexual history of a client or patient may not be admitted as evidence in a hearing unless the evidence: (1) relates to the client's or patient's condition that was being treated by the applicant, licensee, or certificate holder; (2) is relevant and material to a fact in issue in the case; and (3) possesses probative value that outweighs its inflammatory or prejudicial nature.

Fiscal Summary

State Effect: None. Any additional hearings conducted by the Office of Administrative Hearings could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Information Source(s): Department of Health and Mental Hygiene, Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader - February 8, 1999
dmm/jr Revised - Senate Third Reader - March 26, 1999

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