
By: **The Speaker (By Request - Administration) and Delegates Arnick, Aumann, Barkley, Bartlett, Bates, Bohanan, Boteler, Boutin, Cadden, Cluster, Costa, Cryor, DeBoy, Donoghue, Dumais, Eckardt, Edwards, Elmore, Feldman, Frank, Fulton, Gilleland, Impallaria, Kach, King, Krebs, Leopold, Levy, McComas, McConkey, McDonough, McKee, Miller, Minnick, Moe, Murray, Nathan-Pulliam, Parrott, Rudolph, Shank, Shewell, Simmons, Stocksdale, Stull, Trueschler, Walkup, and Weir**

Introduced and read first time: January 26, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Human Resources - Disclosure of Information - Hospitals**
3 **and Birthing Centers**

4 FOR the purpose of allowing disclosure of certain information concerning child abuse
5 and neglect to medical or human services personnel of a hospital or birthing
6 center under certain circumstances.

7 BY repealing and reenacting, with amendments,
8 Article 88A - Department of Human Resources
9 Section 6
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2004 Supplement)

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

14 **Article 88A - Department of Human Resources**

15 6.

16 (a) Except in accordance with a court order or to an authorized officer or
17 employee of the State, another state or local government, or the United States, or a
18 fiduciary institution having a right thereto in an official capacity, and as necessary to
19 discharge responsibilities to administer public assistance, medical assistance, or
20 social services programs, it shall be unlawful for any person or persons to divulge or
21 make known in any manner any information concerning any applicant for or recipient
22 of social services, child welfare services, cash assistance, food stamps, or medical
23 assistance, directly or indirectly derived from the records, papers, files, investigations

1 or communications of the State, county or city, or subdivisions or agencies thereof, or
2 acquired in the course of the performance of official duties.

3 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law
4 Article, § 6A of this subtitle, and this section, all records and reports concerning child
5 abuse or neglect are confidential, and their unauthorized disclosure is a criminal
6 offense subject to the penalty set out in subsection (e) of this section. Reports or
7 records concerning child abuse or neglect:

8 (1) Shall be disclosed:

9 (i) Under a court order; or

10 (ii) Under an order of an administrative law judge, if the request for
11 disclosure concerns a case pending before the Office of Administrative Hearings and
12 provisions are made to comply with other State or federal confidentiality laws and to
13 protect the identity of the reporter or other person whose life or safety is likely to be
14 endangered by disclosure; and

15 (2) May be disclosed on request:

16 (i) To personnel of local or State departments of social services, law
17 enforcement personnel, and members of multidisciplinary case consultation teams,
18 who are investigating a report of known or suspected child abuse or neglect or who
19 are providing services to a child or family that is the subject of the report;

20 (ii) To local or State officials responsible for the administration of
21 child protective services or child care, foster care, and adoption licensing, approval, or
22 regulations as necessary to carry out their official functions;

23 (iii) To the State Council on Child Abuse and Neglect, the State
24 Citizens Review Board for Children, or their designees, or a child fatality review team
25 as necessary to carry out their official functions;

26 (iv) To a person who is the alleged child abuser or the person who is
27 suspected of child neglect if that person is responsible for the child's welfare and
28 provisions are made for the protection of the identity of the reporter or any other
29 person whose life or safety is likely to be endangered by disclosing the information;

30 (v) To a licensed practitioner who, or an agency, institution, or
31 program which, is providing treatment or care to a child who is the subject of a report
32 of child abuse or neglect for a purpose relevant to the provision of the treatment or
33 care;

34 (vi) To a parent or other person who has permanent or temporary
35 care and custody of a child, if provisions are made for the protection of the identity of
36 the reporter or any other person whose life or safety is likely to be endangered by
37 disclosing the information;

1 (vii) To the appropriate public school superintendent for the purpose
2 of carrying out appropriate personnel or administrative actions following a report of
3 suspected child abuse involving a student committed by:

4 1. A public school employee in that school system;

5 2. An independent contractor who supervises or works
6 directly with students in that school system; or

7 3. An employee of an independent contractor, including a bus
8 driver or bus assistant, who supervises or works directly with students in that school
9 system;

10 (viii) To the director of a licensed child care facility or licensed child
11 placement agency for the purpose of carrying out appropriate personnel actions
12 following a report of suspected child neglect or abuse alleged to have been committed
13 by an employee of the facility or agency and involving a child who is currently or who
14 was previously under that facility's or agency's care; [or]

15 (ix) To the Office of the Independent Juvenile Justice Monitor
16 established under Article 49D of the Code[.]; OR

17 (X) TO MEDICAL OR HUMAN SERVICES PERSONNEL OF A HOSPITAL
18 OR BIRTHING CENTER FOR THE PURPOSE OF MAKING DISCHARGE DECISIONS
19 CONCERNING A CHILD, WHEN THE MEDICAL OR HUMAN SERVICES PERSONNEL
20 HAVE REASONABLE ARTICULABLE CONCERNS ABOUT THE SAFETY OF A CHILD
21 AFTER DISCHARGE.

22 (c) Nothing in this section shall be construed to prohibit:

23 (1) The publication, for administrative or research purposes, of statistics
24 or other data so classified as to prevent the identification of particular persons or
25 cases;

26 (2) The Department of Human Resources from obtaining an individual's
27 financial records from a fiduciary institution in the course of verifying the
28 individual's eligibility for public assistance; or

29 (3) Disclosures as permitted by § 1-303 of the Financial Institutions
30 Article.

31 (d) The Department of Human Resources shall issue regulations governing
32 access to and use of confidential information which is in the possession of the
33 Department or local departments of social services.

34 (e) Any offense against the provisions of this section shall be a misdemeanor
35 and shall be punishable by a fine not exceeding \$500 or imprisonment for not
36 exceeding 90 days, or both, in the discretion of the court.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2005.