

ENROLLED BILL

-- Health and Government Operations/Finance and Budget and Taxation --

Introduced by ~~Delegate Hurson~~ **Delegates Hurson, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Goldwater, Hubbard, Kach, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Health - Child Abuse and Neglect Centers of Excellence Initiative**

3 FOR the purpose of establishing a Child Abuse and Neglect Centers of Excellence
4 Initiative in the Department of Health and Mental Hygiene; providing for the
5 purposes of the Initiative; ~~requiring the Maryland Chapter of the American~~
6 ~~Academy of Pediatrics to operate, manage, and administer the Initiative;~~
7 ~~requiring the Department to cooperate and assist the Maryland Chapter of the~~
8 ~~American Academy of Pediatrics in overseeing the Initiative; authorizing the~~
9 ~~Department to contract with a certain type of organization to administer the~~
10 ~~Initiative;~~ providing for the duties of the Centers of Excellence faculty;
11 authorizing a Center of Excellence to receive certain information from the
12 Department ~~on and consult~~ *and to consult with the Department* on certain cases
13 ~~from certain programs or entities;~~ requiring the Secretary of the Health and
14 Mental Hygiene to appoint and convene a certain panel each year; requiring

1 ~~ertain~~ the panel to assist the Secretary in reviewing and determining the
 2 appropriateness of certain codes and bill protocols relating to child abuse and
 3 neglect cases and determining how certain data may be preserved; requiring the
 4 panel to meet with certain representatives to provide certain training in certain
 5 codes and billing protocols; requiring the panel to submit a certain report to the
 6 General Assembly on or before a certain date each year ~~to the General Assembly~~
 7 on certain data collected ~~on data collected~~ and the activities of the Initiative;
 8 requiring the Governor to include a certain ~~appropriation~~ appropriations in the
 9 State budget in a certain ~~year~~ years; ~~requiring the Governor to include a certain~~
 10 ~~appropriation in the State budget each year of a certain amount~~; requiring the
 11 Office of Legislative Audits to audit certain accounts and ~~transaction~~
 12 transactions of the Initiative; ~~authorizing~~ requiring certain providers to examine
 13 and treat certain children ~~if the child is brought~~ to the providers by certain
 14 individuals required to report suspected child abuse or neglect; authorizing
 15 certain providers to provide expert child abuse or neglect care under certain
 16 circumstances; defining certain terms; requiring the State Attorney General, in
 17 conjunction with the Secretary of Health and Mental Hygiene and the Secretary
 18 of Human Resources, to convene a certain workgroup composed of certain
 19 ~~representatives~~ members; requiring the workgroup to ~~investigate~~ study and
 20 make recommendations on the use of, reimbursement for, availability of, and
 21 implementation of videoconferencing as a resource in certain investigations;
 22 requiring the workgroup to submit a certain report on or before a certain date to
 23 the General Assembly ~~regarding certain recommendations~~; and generally
 24 relating to the establishment of a Child Abuse and Neglect Centers of Excellence
 25 Initiative.

26 BY adding to
 27 Article - Health - General
 28 Section 13-2101 through ~~13-2107~~ 13-2106, inclusive, to be under the new
 29 subtitle "Subtitle 21. Child Abuse and Neglect Centers of Excellence
 30 Initiative"
 31 Annotated Code of Maryland
 32 (2000 Replacement Volume and 2004 Supplement)

33 BY repealing and reenacting, with amendments,
 34 Article - Family Law
 35 Section 5-712
 36 Annotated Code of Maryland
 37 (2004 Replacement Volume)

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

1 **Article - Health - General**

2 SUBTITLE 21. CHILD ABUSE AND NEGLECT CENTERS OF EXCELLENCE INITIATIVE.

3 13-2101.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) "CENTER OF EXCELLENCE" MEANS A LOCAL OR REGIONAL
7 MULTIDISCIPLINARY TEAM OF HEALTH CARE PROFESSIONALS AND HEALTH CARE
8 FACILITIES WITH THE EXPERTISE TO DIAGNOSE AND TREAT CHILD ABUSE AND
9 NEGLECT.10 (C) "CENTERS OF EXCELLENCE FACULTY" MEANS A CORE GROUP OF
11 CLINICAL EXPERTS, ~~WHO ARE FACULTY MEMBERS FROM THE MARYLAND CHAPTER~~
12 ~~OF THE AMERICAN ACADEMY OF PEDIATRICS, UNIVERSITY OF MARYLAND MEDICAL~~
13 ~~SYSTEM, AND JOHNS HOPKINS MEDICAL INSTITUTES~~ AS DESIGNATED BY THE
14 DEPARTMENT, WHO PROVIDE TRAINING, CONSULTATION, AND SUPPORT FOR THE
15 DIAGNOSIS AND TREATMENT OF CHILD ABUSE AND NEGLECT TO HEALTH CARE
16 PROFESSIONALS.17 (D) "CHILD ADVOCACY CENTER" MEANS AN ENTITY WITHIN OR OUTSIDE A
18 HEALTH CARE FACILITY THAT DIAGNOSES AND TREATS CHILD ABUSE AND NEGLECT.19 (E) "INITIATIVE" MEANS THE CHILD ABUSE AND NEGLECT CENTERS OF
20 EXCELLENCE INITIATIVE.21 (F) "MULTIDISCIPLINARY TEAM" MEANS A GROUP OF PROFESSIONALS WITH
22 EXPERTISE IN VARIOUS HEALTH CARE AND SOCIAL SERVICE PROFESSIONAL
23 DISCIPLINES WHO PROVIDE CONSULTATION, TREATMENT, AND PLANNING IN CASES
24 OF CHILD ABUSE AND NEGLECT.

25 13-2102.

26 (A) THERE IS A CHILD ABUSE AND NEGLECT CENTERS OF EXCELLENCE
27 INITIATIVE IN THE DEPARTMENT.28 (B) THE ~~PURPOSE~~ PURPOSES OF THE INITIATIVE IS ARE:

29 (1) TO IMPROVE THE PROTECTION OF CHILDREN IN THE STATE;

30 (2) TO RECRUIT LOCAL PHYSICIANS TO GAIN CLINICAL EXPERTISE IN
31 THE DIAGNOSIS AND TREATMENT OF CHILD ABUSE AND NEGLECT;32 (3) TO DEVELOP AND GUIDE THE PRACTICE OF LOCAL OR REGIONAL
33 MULTIDISCIPLINARY TEAMS TO IMPROVE THE ASSESSMENT AND TREATMENT OF
34 CHILDREN WHO ARE THE SUBJECT OF A CHILD ABUSE OR NEGLECT INVESTIGATION
35 OR A CHILD IN NEED OF ASSISTANCE;

1 (4) TO FACILITATE THE APPROPRIATE PROSECUTION OF CRIMINAL
2 CHILD ABUSE AND NEGLECT; AND

3 (5) TO PROVIDE EXPERT CONSULTATION AND TRAINING TO LOCAL OR
4 REGIONAL MULTIDISCIPLINARY TEAMS IN THE DIAGNOSIS AND TREATMENT OF
5 PHYSICAL CHILD ABUSE AND NEGLECT AND SEXUAL ABUSE THROUGH
6 TELECONFERENCING AND ON-SITE SERVICES.

7 13-2103.

8 ~~(A) THE INITIATIVE SHALL BE OPERATED, MANAGED, AND ADMINISTERED BY~~
9 ~~THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS.~~

10 ~~(B) THE DEPARTMENT SHALL COOPERATE AND ASSIST THE MARYLAND~~
11 ~~CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS IN OVERSEEING THE~~
12 ~~INITIATIVE TO ADMINISTER THE INITIATIVE ESTABLISHED BY THIS SUBTITLE, THE~~
13 ~~DEPARTMENT MAY CONTRACT WITH A QUALIFIED ORGANIZATION WITH~~
14 ~~KNOWLEDGE OF BEST PRACTICES IN THE DIAGNOSIS AND TREATMENT OF CHILD~~
15 ~~ABUSE AND NEGLECT.~~

16 ~~13-2104.~~

17 THE CENTERS OF EXCELLENCE FACULTY SHALL:

18 (1) ASSIST LOCAL AND REGIONAL JURISDICTIONS TO DEVELOP
19 STANDARDS AND PROTOCOLS FOR THE COMPOSITION AND OPERATION OF LOCAL OR
20 REGIONAL CENTERS OF EXCELLENCE;

21 (2) PROVIDE TRAINING AND CONSULTATION TO LOCAL OR REGIONAL
22 CENTERS OF EXCELLENCE IN THE DIAGNOSIS AND TREATMENT OF CHILD ABUSE
23 AND NEGLECT;

24 (3) INVENTORY EXISTING ACADEMIC AND EMERGENCY RESOURCES
25 AVAILABLE FOR TELECONFERENCING AND FACILITATE THE USE OF THESE
26 RESOURCES FOR CHILD ABUSE AND NEGLECT INVESTIGATIONS AND TREATMENT
27 PLANS; AND

28 (4) PROVIDE FINANCIAL SUPPORT TO PART-TIME LOCAL AND REGIONAL
29 EXPERT CLINIC STAFF FOR THE DIAGNOSIS AND TREATMENT OF CHILD ABUSE AND
30 NEGLECT.

31 ~~13-2105. 13-2104.~~

32 A CENTER OF EXCELLENCE MAY RECEIVE INFORMATION FROM THE
33 DEPARTMENT ~~ON~~ AND MAY CONSULT WITH THE DEPARTMENT ON ANY CASE ~~FROM~~:

34 (1) REFERRED FROM THE CHILDREN IN NEED OF ASSISTANCE
35 PROGRAM;

1 (2) CONCERNING A CHILD COMMITTED TO THE DEPARTMENT OR A
2 LOCAL DEPARTMENT OF SOCIAL SERVICES; OR

3 (3) CONCERNING A CHILD WHO IS THE SUBJECT OF A CHILD ABUSE OR
4 NEGLECT INVESTIGATION.

5 ~~43-2106.~~ 13-2105.

6 (A) THE SECRETARY SHALL APPOINT AND CONVENE AN EXPERT PANEL ON
7 CHILD ABUSE AND NEGLECT RELATING TO RESEARCH AND DATA COLLECTION AT
8 LEAST ONE TIME EACH YEAR.

9 (B) THE PANEL SHALL ASSIST THE SECRETARY IN:

10 (1) REVIEWING THE APPROPRIATENESS OF CURRENT PROCEDURAL
11 TERMINOLOGY (CPT) CODES AND BILLING PROTOCOLS FOR SERVICES PROVIDED
12 REGARDING CHILD ABUSE AND NEGLECT; AND

13 (2) DETERMINING HOW DIAGNOSIS AND TREATMENT DATA MAY BE
14 PRESERVED TO PROVIDE STATISTICS ON THE EXTENT OF CHILD ABUSE AND
15 NEGLECT IN THE STATE, INCLUDING ~~BY CREATING~~ THROUGH THE CREATION OF A
16 SPECIAL BILLING CODE.

17 (C) THE PANEL SHALL MEET AT LEAST ONE TIME EACH YEAR WITH
18 REPRESENTATIVES FROM ~~EVERY~~ EACH EMERGENCY ROOM, CHILD ADVOCACY
19 CENTER, AND ~~OTHER FACILITIES PROVIDING~~ ANY OTHER FACILITY THAT PROVIDES
20 EXPERT CHILD ABUSE AND NEGLECT CARE, AS DEFINED IN § 5-712 OF THE FAMILY
21 LAW ARTICLE, TO PROVIDE TRAINING IN CURRENT PROCEDURAL TERMINOLOGY
22 (CPT) CODES AND BILLING PROTOCOLS.

23 (D) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE PANEL SHALL SUBMIT A
24 REPORT ~~ON OR BEFORE DECEMBER 1 OF EACH YEAR,~~ IN ACCORDANCE WITH § 2-1246
25 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE DATA
26 COLLECTED ON CHILD ABUSE AND NEGLECT DIAGNOSIS AND TREATMENT AND THE
27 ACTIVITIES OF THE INITIATIVE.

28 ~~43-2107.~~ 13-2106.

29 (A) IN FISCAL YEAR 2007, THE GOVERNOR SHALL INCLUDE IN THE STATE
30 BUDGET AN APPROPRIATION IN THE AMOUNT OF \$225,000 FOR THE CHILD ABUSE
31 AND NEGLECT CENTERS OF EXCELLENCE INITIATIVE.

32 (B) IN EACH FISCAL YEAR BEGINNING WITH FISCAL ~~2007~~ 2008, THE
33 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE
34 GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE CHILD ABUSE AND
35 NEGLECT CENTERS OF EXCELLENCE INITIATIVE IN AN AMOUNT NOT LESS THAN THE
36 AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE INITIATIVE AS
37 APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR
38 THE PRIOR FISCAL YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY
39 WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING

1 FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES
 2 FOR THE CURRENT FISCAL YEAR, AS CONTAINED IN THE REPORT OF THE ESTIMATED
 3 STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE
 4 GOVERNOR UNDER § 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 (C) THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE ACCOUNTS AND
 6 TRANSACTIONS OF THE CHILD ABUSE AND NEGLECT CENTERS OF EXCELLENCE
 7 INITIATIVE IN ACCORDANCE WITH §§ 2-1220 THROUGH 2-1227 OF THE STATE
 8 GOVERNMENT ARTICLE.

9 **Article - Family Law**

10 5-712.

11 (a) (1) In this section[, "emergency"] THE FOLLOWING WORDS HAVE THE
 12 MEANINGS INDICATED.

13 (2) (I) "EMERGENCY medical treatment" means medical or surgical
 14 care rendered by a [physician or health care institution] PROVIDER IN A
 15 LABORATORY, HEALTH CARE FACILITY, OR CHILD ADVOCACY CENTER to a child
 16 under this section:

17 [(i)] 1. to relieve any urgent illness, INJURY, SEVERE EMOTIONAL
 18 DISTRESS, or life-threatening health condition; or

19 [(ii)] 2. to determine the [nature] EXISTENCE, NATURE, or extent
 20 of any POSSIBLE abuse or neglect.

21 [(2)] (II) "Emergency medical treatment" [does not include:

22 (i) nonemergency outpatient treatment; or

23 (ii) periodic nonemergency health care] INCLUDES, IF
 24 APPROPRIATE, THE USE OF TELEMEDICINE TO ACHIEVE A TIMELY EXPERT
 25 DIAGNOSIS OF CHILD ABUSE OR NEGLECT.

26 (3) "EXPERT CHILD ABUSE OR NEGLECT CARE" MEANS THE DIAGNOSIS
 27 OR TREATMENT OF CHILD ABUSE OR NEGLECT PROVIDED BY:

28 (I) A PHYSICIAN;

29 (II) A MULTIDISCIPLINARY TEAM OR MULTIDISCIPLINARY TEAM
 30 MEMBER;

31 (III) A HEALTH CARE FACILITY; OR

32 (IV) A STAFF MEMBER OF A HEALTH CARE FACILITY WHO IS AN
 33 EXPERT IN THE FIELD OF ABUSE AND NEGLECT.

1 (4) "MULTIDISCIPLINARY TEAM" MEANS A GROUP OF PROFESSIONALS
2 WITH EXPERTISE IN VARIOUS PROFESSIONAL DISCIPLINES WHO PROVIDE
3 CONSULTATION, TREATMENT, AND PLANNING IN CASES OF CHILD ABUSE AND
4 NEGLECT.

5 (5) "PROVIDER" INCLUDES A PHYSICIAN, MULTIDISCIPLINARY TEAM OR
6 MULTIDISCIPLINARY TEAM MEMBER, A CHILD ADVOCACY CENTER, A HEALTH CARE
7 FACILITY, OR HEALTH CARE FACILITY PERSONNEL.

8 (b) Any [physician] PROVIDER who is licensed or authorized to practice
9 [medicine] A PROFESSION in this State shall examine or treat any child, with or
10 without the consent of the child's parent, guardian, or custodian, to determine the
11 nature and extent of any abuse or neglect to the child if the child is brought to the
12 [physician] PROVIDER:

13 (1) in accordance with a court order;

14 (2) by a representative of a local department OF SOCIAL SERVICES who
15 states that the representative believes the child is an abused or neglected child; [or]

16 (3) by a police officer who states that the officer believes that the child is
17 an abused or neglected child; OR

18 (4) BY AN INDIVIDUAL REQUIRED UNDER § 5-704 OF THIS SUBTITLE TO
19 REPORT SUSPECTED CHILD ABUSE OR NEGLECT.

20 (c) If a [physician] PROVIDER examines a child under subsection (b) of this
21 section and determines that emergency medical treatment OR EXPERT CHILD ABUSE
22 OR NEGLECT CARE is indicated, the physician may treat the child, with or without the
23 consent of the child's parent, guardian, or custodian.

24 (d) A [physician] PROVIDER who examines or treats a child under this section
25 shall have the immunity from liability described under § 5-621 of the Courts and
26 Judicial Proceedings Article.

27 (e) (1) In accordance with regulations adopted by the Secretary of Health
28 and Mental Hygiene, the Department of Health and Mental Hygiene shall pay for
29 emergency medical treatment charges that are incurred on behalf of a child who is
30 examined or treated under this section.

31 (2) The child's parent or guardian is liable to the Department of Health
32 and Mental Hygiene for the payments and shall take any steps necessary to secure
33 health benefits available for the child from a public or private benefit program.

34 (3) The local department shall:

35 (i) immediately determine whether a child treated or examined
36 under this section is eligible for medical assistance payments; and

1 (ii) secure medical assistance benefits for any eligible child
2 examined or treated under this section.

3 (f) To the extent possible, the Governor shall include in the annual State
4 budget funds for the payment of emergency medical treatment for children examined
5 or treated under this section.

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) The Attorney General, in conjunction with the Secretary of Health and
8 Mental Hygiene and the Secretary of Human Resources, shall convene a workgroup
9 that consists of the following members:

10 (1) a State's Attorney with expertise in the prosecution of child abuse
11 and neglect;

12 (2) local directors of social services;

13 (3) local health officers;

14 (4) a representative from the courts with expertise in child abuse and
15 neglect issues; and

16 (5) individuals who have participated in the prosecution of a child abuse
17 or neglect case as a witness, ~~especially~~ including pediatricians.

18 (b) The workgroup:

19 (1) shall ~~investigate~~ study and make recommendations on the use of,
20 reimbursement for, availability of, and implementation of videoconferencing as a
21 resource in a child abuse or neglect ~~investigation~~ investigations in the State- ; and

22 (2) on or before December 1, 2005, shall report its findings and
23 recommendations, in

24 ~~(e) The workgroup shall submit a report on or before December 1, 2005, in~~
25 ~~accordance with § 2-1246 of the State Government Article, to the General Assembly~~
26 ~~regarding recommendations on videoconferencing as a resource in a child abuse or~~
27 ~~neglect investigation.~~

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2005.

