
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

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Reassigned: Health and Government Operations, February 18, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

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 on certain cases from certain programs or entities;
 13 requiring the Secretary of the Health and Mental Hygiene to appoint and
 14 convene a certain panel each year; requiring certain panel to assist the
 15 Secretary in reviewing and determining certain codes and bill protocols relating
 16 to child abuse and neglect cases; requiring the panel to meet with certain
 17 representatives to provide certain training in certain codes and billing protocols;
 18 requiring the panel to submit a certain report on or before a certain date each
 19 year to the General Assembly on certain data collected on data collected and
 20 activities of the Initiative; requiring the Governor to include a certain
 21 appropriation in the State budget in a certain year; requiring the Governor to
 22 include a certain appropriation in the State budget each year of a certain
 23 amount; requiring the Office of Legislative Audits to audit certain accounts and
 24 transaction of the Initiative; authorizing certain providers to examine and treat

1 certain children if the child is brought by certain individuals required to report
2 suspected child abuse or neglect; authorizing certain providers to provide expert
3 child abuse or neglect care under certain circumstances; requiring the State
4 Attorney General, in conjunction with the Secretary and the Secretary of
5 Human Resources to convene a certain workgroup composed of certain
6 representatives; requiring the workgroup to investigate the use of,
7 reimbursement for, availability of, and implementation of videoconferencing as a
8 resource in certain investigations; requiring the workgroup to submit a certain
9 report on or before a certain date to the General Assembly regarding certain
10 recommendations.

11 BY adding to

12 Article - Health - General
13 Section 13-2101 through 13-2107, inclusive, to be under the new subtitle
14 "Subtitle 21. Child Abuse and Neglect Centers of Excellence Initiative"
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Family Law
19 Section 5-712
20 Annotated Code of Maryland
21 (2004 Replacement Volume)

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

24 **Article - Health - General**

25 **SUBTITLE 21. CHILD ABUSE AND NEGLECT CENTERS OF EXCELLENCE INITIATIVE.**

26 13-2101.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "CENTER OF EXCELLENCE" MEANS A LOCAL OR REGIONAL
30 MULTIDISCIPLINARY TEAM OF HEALTH CARE PROFESSIONALS AND HEALTH CARE
31 FACILITIES WITH THE EXPERTISE TO DIAGNOSE AND TREAT CHILD ABUSE AND
32 NEGLECT.

33 (C) "CENTERS OF EXCELLENCE FACULTY" MEANS A CORE GROUP OF
34 CLINICAL EXPERTS, WHO ARE FACULTY MEMBERS FROM THE MARYLAND CHAPTER
35 OF THE AMERICAN ACADEMY OF PEDIATRICS, UNIVERSITY OF MARYLAND MEDICAL
36 SYSTEM, AND JOHNS HOPKINS MEDICAL INSTITUTES, WHO PROVIDE TRAINING,
37 CONSULTATION, AND SUPPORT FOR THE DIAGNOSIS AND TREATMENT OF CHILD
38 ABUSE AND NEGLECT TO HEALTH CARE PROFESSIONALS.

1 (D) "CHILD ADVOCACY CENTER" MEANS AN ENTITY WITHIN OR OUTSIDE A
2 HEALTH CARE FACILITY THAT DIAGNOSES AND TREATS CHILD ABUSE AND NEGLECT.

3 (E) "INITIATIVE" MEANS THE CHILD ABUSE AND NEGLECT CENTERS OF
4 EXCELLENCE INITIATIVE.

5 (F) "MULTIDISCIPLINARY TEAM" MEANS A GROUP OF PROFESSIONALS WITH
6 EXPERTISE IN VARIOUS HEALTH CARE AND SOCIAL SERVICE PROFESSIONAL
7 DISCIPLINES WHO PROVIDE CONSULTATION, TREATMENT, AND PLANNING IN CASES
8 OF CHILD ABUSE AND NEGLECT.

9 13-2102.

10 (A) THERE IS A CHILD ABUSE AND NEGLECT CENTERS OF EXCELLENCE
11 INITIATIVE IN THE DEPARTMENT.

12 (B) THE PURPOSE OF THE INITIATIVE IS:

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

14 (2) TO RECRUIT LOCAL PHYSICIANS TO GAIN CLINICAL EXPERTISE IN
15 THE DIAGNOSIS AND TREATMENT OF CHILD ABUSE AND NEGLECT;

16 (3) TO DEVELOP AND GUIDE THE PRACTICE OF LOCAL OR REGIONAL
17 MULTIDISCIPLINARY TEAMS TO IMPROVE THE ASSESSMENT AND TREATMENT OF
18 CHILDREN WHO ARE THE SUBJECT OF A CHILD ABUSE OR NEGLECT INVESTIGATION
19 OR A CHILD IN NEED OF ASSISTANCE;

20 (4) TO FACILITATE THE APPROPRIATE PROSECUTION OF CRIMINAL
21 CHILD ABUSE AND NEGLECT; AND

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

26 13-2103.

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

29 ~~(B) THE DEPARTMENT SHALL COOPERATE AND ASSIST THE MARYLAND~~
30 ~~CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS IN OVERSEEING THE~~
31 ~~INITIATIVE TO ADMINISTER THE INITIATIVE ESTABLISHED BY THIS SUBTITLE. THE~~
32 ~~DEPARTMENT MAY CONTRACT WITH A QUALIFIED ORGANIZATION WITH~~
33 ~~KNOWLEDGE OF BEST PRACTICES IN THE DIAGNOSIS AND TREATMENT OF CHILD~~
34 ~~ABUSE AND NEGLECT.~~

1 13-2104.

2 THE CENTERS OF EXCELLENCE FACULTY SHALL:

3 (1) ASSIST LOCAL AND REGIONAL JURISDICTIONS TO DEVELOP
4 STANDARDS AND PROTOCOLS FOR THE COMPOSITION AND OPERATION OF LOCAL OR
5 REGIONAL CENTERS OF EXCELLENCE;

6 (2) PROVIDE TRAINING AND CONSULTATION TO LOCAL OR REGIONAL
7 CENTERS OF EXCELLENCE IN THE DIAGNOSIS AND TREATMENT OF CHILD ABUSE
8 AND NEGLECT;

9 (3) INVENTORY EXISTING ACADEMIC AND EMERGENCY RESOURCES
10 AVAILABLE FOR TELECONFERENCING AND FACILITATE THE USE OF THESE
11 RESOURCES FOR CHILD ABUSE AND NEGLECT INVESTIGATIONS AND TREATMENT
12 PLANS; AND

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

16 13-2105.

17 A CENTER OF EXCELLENCE MAY RECEIVE INFORMATION FROM THE
18 DEPARTMENT ON AND MAY CONSULT ON ANY CASE FROM:

19 (1) THE CHILDREN IN NEED OF ASSISTANCE PROGRAM;

20 (2) A CHILD COMMITTED TO THE DEPARTMENT OR A LOCAL
21 DEPARTMENT OF SOCIAL SERVICES; OR

22 (3) A CHILD WHO IS THE SUBJECT OF A CHILD ABUSE OR NEGLECT
23 INVESTIGATION.

24 13-2106.

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

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

29 (1) REVIEWING THE APPROPRIATENESS OF CURRENT PROCEDURAL
30 TERMINOLOGY (CPT) CODES AND BILLING PROTOCOLS FOR SERVICES PROVIDED
31 REGARDING CHILD ABUSE AND NEGLECT; AND

32 (2) DETERMINING HOW DIAGNOSIS AND TREATMENT DATA MAY BE
33 PRESERVED TO PROVIDE STATISTICS ON THE EXTENT OF CHILD ABUSE AND
34 NEGLECT IN THE STATE INCLUDING BY CREATING A SPECIAL BILLING CODE.

1 (C) THE PANEL SHALL MEET AT LEAST ONE TIME EACH YEAR WITH
2 REPRESENTATIVES FROM EVERY EMERGENCY ROOM, CHILD ADVOCACY CENTER,
3 AND OTHER FACILITIES PROVIDING EXPERT CHILD ABUSE AND NEGLECT CARE, AS
4 DEFINED IN § 5-712 OF THE FAMILY LAW ARTICLE, TO PROVIDE TRAINING IN
5 CURRENT PROCEDURAL TERMINOLOGY (CPT) CODES AND BILLING PROTOCOLS.

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

10 13-2107.

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

14 (B) IN EACH FISCAL YEAR BEGINNING WITH FISCAL 2007, THE GOVERNOR
15 SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL
16 ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE CHILD ABUSE AND NEGLECT
17 CENTERS OF EXCELLENCE INITIATIVE IN AN AMOUNT NOT LESS THAN THE AMOUNT
18 OF THE GENERAL FUND APPROPRIATION FOR THE INITIATIVE AS APPROVED IN THE
19 STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR THE PRIOR FISCAL
20 YEAR, INCREASED BY NOT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED
21 TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE
22 REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE CURRENT
23 FISCAL YEAR, AS CONTAINED IN THE REPORT OF THE ESTIMATED STATE REVENUES
24 SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER §
25 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

30 **Article - Family Law**

31 5-712.

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

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

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

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

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

4 (i) nonemergency outpatient treatment; or

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

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

10 (I) A PHYSICIAN;

11 (II) A MULTIDISCIPLINARY TEAM OR MULTIDISCIPLINARY TEAM
12 MEMBER;

13 (III) A HEALTH CARE FACILITY; OR

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

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

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

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

28 (1) in accordance with a court order;

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

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

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

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

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

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

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

15 (3) The local department shall:

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

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

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

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

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

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

29 (2) local directors of social services;

30 (3) local health officers;

31 (4) representative from the courts with expertise in child abuse and
32 neglect issues; and

33 (5) individuals who have participated in the prosecution of a child abuse
34 or neglect case as a witness, especially pediatricians.

1 (b) The workgroup shall investigate and make recommendations on the use of,
2 reimbursement for, availability of, and implementation of videoconferencing as a
3 resource in a child abuse or neglect investigation in the State.

4 (c) The workgroup shall submit a report on or before December 1, 2005, in
5 accordance with § 2-1246 of the State Government Article, to the General Assembly
6 regarding recommendations on videoconferencing as a resource in a child abuse or
7 neglect investigation.

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