
By: **The President (By Request - Administration) and Senators Brinkley,
Colburn, Currie, Greenip, Hafer, Haines, Harris, Hollinger, Kasemeyer,
Lawlah, Pipkin, Schrader, and Stoltzfus**

Introduced and read first time: January 21, 2005

Assigned to: Finance and Judicial Proceedings

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

26 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law
27 Article, § 6A of this subtitle, and this section, all records and reports concerning child

1 abuse or neglect are confidential, and their unauthorized disclosure is a criminal
2 offense subject to the penalty set out in subsection (e) of this section. Reports or
3 records concerning child abuse or neglect:

4 (1) Shall be disclosed:

5 (i) Under a court order; or

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

11 (2) May be disclosed on request:

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

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

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

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

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

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

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

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

