

ENROLLED BILL

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

Introduced by **Senators Lawlah, Kasemeyer, Kelley, Kramer, and Ruben
Ruben, and Jones**

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.

President.

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;~~ providing for the
9 duties of the Centers of Excellence faculty; authorizing a Center of Excellence to
10 receive certain information from the Department ~~on and consult~~ and to consult
11 with the Department on certain cases ~~from certain programs or entities;~~
12 requiring the Secretary of the Health and Mental Hygiene to appoint and
13 convene a certain panel each year; requiring ~~certain~~ the panel to assist the
14 Secretary in reviewing ~~and determining~~ the appropriateness of certain codes and
15 bill protocols relating to child abuse and neglect cases and determining how
16 certain data may be preserved; requiring the panel to meet with certain

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

24 BY adding to

25 Article - Health - General
 26 Section 13-2101 through ~~13-2107~~ ~~13-2105~~ 13-2106, inclusive, to be under the
 27 new subtitle "Subtitle 21. Child Abuse and Neglect Centers of Excellence
 28 Initiative"
 29 Annotated Code of Maryland
 30 (2000 Replacement Volume and 2004 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article - Family Law
 33 Section 5-712
 34 Annotated Code of Maryland
 35 (2004 Replacement Volume)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 37 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.~~

13 ~~13-2104.~~

14 THE CENTERS OF EXCELLENCE FACULTY SHALL ~~SUBJECT TO THE~~
15 LIMITATIONS OF THE STATE BUDGET:

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

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

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

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

29 ~~13-2105.~~ 13-2104.

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

32 (1) REFERRED FROM THE CHILDREN IN NEED OF ASSISTANCE
33 PROGRAM;

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

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

3 ~~13-2106.~~ 13-2105.

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

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

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

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

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

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

26 13-2106.

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

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

1 SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER §
 2 6-106(B) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

7 43-2407.

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

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

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

27 **Article - Family Law**

28 5-712.

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

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

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

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

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

2 (i) nonemergency outpatient treatment; or

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

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

8 (I) A PHYSICIAN;

9 (II) A MULTIDISCIPLINARY TEAM OR MULTIDISCIPLINARY TEAM
10 MEMBER;

11 (III) A HEALTH CARE FACILITY; OR

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

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

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

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

26 (1) in accordance with a court order;

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

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

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

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

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

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

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

11 (3) The local department shall:

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

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

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

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

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

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

25 (2) local directors of social services;

26 (3) local health officers;

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

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

31 (b) The workgroup:

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

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

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

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