

# HOUSE BILL 832

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By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Substance–Exposed Infants – Mandated Reporters**

3 FOR the purpose of adding certain reporting requirements for health care providers  
4 involved in the delivery or care of infants born with and identified as being  
5 affected by certain symptoms under certain circumstances; and generally  
6 relating to reporting requirements for health care providers.

7 BY repealing and reenacting, with amendments,

8 Article – Family Law

9 Section 5–704

10 Annotated Code of Maryland

11 (2006 Replacement Volume and 2011 Supplement)

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

14 **Article – Family Law**

15 5–704.

16 (a) Notwithstanding any other provision of law, including any law on  
17 privileged communications, each health practitioner, police officer, educator, or human  
18 service worker, acting in a professional capacity in this State:

19 (1) who has reason to believe that a child has been subjected to abuse  
20 or neglect, shall notify the local department or the appropriate law enforcement  
21 agency; and

22 (2) if acting as a staff member of a hospital, public health agency, child  
23 care institution, juvenile detention center, school, or similar institution, shall

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 immediately notify and give all information required by this section to the head of the  
2 institution or the designee of the head.

3 **(B) ANY HEALTH PRACTITIONER INVOLVED IN THE DELIVERY OR CARE**  
4 **OF AN INFANT SHALL NOTIFY THE LOCAL DEPARTMENT IF:**

5 **(1) THE INFANT WAS BORN WITH AND IDENTIFIED AS:**

6 **(I) BEING AFFECTED BY THE USE OF ANY ILLEGAL DRUG,**  
7 **OR BY WITHDRAWAL SYMPTOMS RESULTING FROM PRENATAL DRUG EXPOSURE**  
8 **TO ANY ILLEGAL DRUG AS EVIDENCED BY TOXICOLOGY SCREEN OR ANY OTHER**  
9 **APPROPRIATE TEST; OR**

10 **(II) BEING AFFECTED BY A FETAL ALCOHOL SPECTRUM**  
11 **DISORDER; AND**

12 **(2) THE HEALTH PRACTITIONER HAS REASON TO BELIEVE:**

13 **(I) THE INFANT IS AT SUBSTANTIAL RISK OF HARM; OR**

14 **(II) THE NEEDS OF THE INFANT REQUIRE A PROMPT**  
15 **ASSESSMENT OF RISK AND SAFETY AND THE DEVELOPMENT OF A PLAN OF SAFE**  
16 **CARE.**

17 **[(b)] (C) (1)** An individual who notifies the appropriate authorities under  
18 **[subsection (a)] SUBSECTIONS (A) AND (B)** of this section shall make:

19 (i) an oral report, by telephone or direct communication, as  
20 soon as possible to the local department or appropriate law enforcement agency; and

21 (ii) a written report:

22 1. to the local department not later than 48 hours after  
23 the contact, examination, attention, or treatment that caused the individual to believe  
24 that the child had been subjected to abuse or neglect **OR THE CHILD MEETS THE**  
25 **CRITERIA FOR REPORTING IN SUBSECTION (B) OF THIS SECTION;** and

26 2. with a copy to the local State's Attorney.

27 (2) (i) An agency to which an oral report of suspected abuse or  
28 neglect is made under paragraph (1) of this subsection shall immediately notify the  
29 other agency.

30 (ii) This paragraph does not prohibit a local department and an  
31 appropriate law enforcement agency from agreeing to cooperative arrangements.

1            **[(c)] (D)**      Insofar as is reasonably possible, an individual who makes a report  
2 under this section shall include in the report the following information:

3            (1)      the name, age, and home address of the child;

4            (2)      the name and home address of the child's parent or other person  
5 who is responsible for the child's care;

6            (3)      the whereabouts of the child;

7            (4)      **FOR A REPORT UNDER SUBSECTION (A) OF THIS SECTION,** the  
8 nature and extent of the abuse or neglect of the child, including any evidence or  
9 information available to the reporter concerning possible previous instances of abuse  
10 or neglect; **[and]**

11            (5)      **FOR A REPORT UNDER SUBSECTION (B) OF THIS SECTION, THE**  
12 **NATURE AND EXTENT TO WHICH THE CHILD MEETS THE CRITERIA FOR**  
13 **REPORTING UNDER SUBSECTION (B) OF THIS SECTION; AND**

14            (6)      any other information that would help to determine:

15            (i)      the cause of the suspected abuse or neglect; and

16            (ii)     the identity of any individual responsible for the abuse or  
17 neglect.

18            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2012.