

SENATE BILL 607

D4, J2

4lr1368

By: **Senators Shank, Forehand, Jacobs, Raskin, and Stone**

Introduced and read first time: January 30, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2014

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Child Abuse and Neglect – ~~Failure to Report and~~**
3 **Training**

4 FOR the purpose of ~~requiring an agency that is participating in a child abuse or~~
5 ~~neglect investigation and that has reasonable grounds to believe that a person~~
6 ~~has failed to report child abuse as required under a certain provision of law to~~
7 ~~file a certain complaint with a certain board, agency, institution, or facility;~~
8 requiring each health occupation board authorized to issue a license or
9 certificate to adopt certain regulations regarding training on the identification
10 and reporting of child abuse and neglect; specifying certain requirements for the
11 child abuse and neglect training; requiring each health occupation board to
12 establish a certain process for obtaining certification that certain courses satisfy
13 certain training requirements; specifying certain sanctions for a violation of a
14 certain regulation adopted by a health occupation board; establishing that this
15 Act does not affect certain other disciplinary actions of a health occupation
16 board authorized under other provisions; requiring each health occupation
17 board to submit a certain annual statistical report to the Secretary of Health
18 and Mental Hygiene; requiring the Secretary to compile certain information and
19 submit a certain annual report to the General Assembly; defining certain terms;
20 and generally relating to child abuse and neglect.

21 ~~BY adding to~~

22 ~~Article – Family Law~~

23 ~~Section 5 – 705.3~~

24 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2012 Replacement Volume and 2013 Supplement)~~

BY adding to
 Article – Health Occupations
 Section 1–222
 Annotated Code of Maryland
 (2009 Replacement Volume and 2013 Supplement)

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

~~Article – Family Law~~

~~5–705.3.~~

~~IF AN AGENCY PARTICIPATING IN AN INVESTIGATION UNDER § 5–706 OF THIS SUBTITLE HAS REASONABLE GROUNDS TO BELIEVE THAT A PERSON HAS FAILED TO REPORT SUSPECTED ABUSE OR NEGLIGENCE AS REQUIRED BY § 5–704 OF THIS SUBTITLE, THE AGENCY SHALL:~~

~~(1) IF THE PERSON IS A HEALTH PRACTITIONER, FILE A COMPLAINT WITH THE APPROPRIATE LICENSING BOARD IN ACCORDANCE WITH THE PROVISIONS OF THE HEALTH OCCUPATIONS ARTICLE;~~

~~(2) IF THE PERSON IS A POLICE OFFICER, FILE A COMPLAINT WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY; OR~~

~~(3) IF THE PERSON IS AN EDUCATOR OR A HUMAN SERVICE WORKER, FILE A COMPLAINT WITH THE COUNTY BOARD OF EDUCATION OR THE APPROPRIATE AGENCY, INSTITUTION, OR LICENSED FACILITY AT WHICH THE PERSON WORKS.~~

Article – Health Occupations

1–222.

(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ABUSE” HAS THE MEANING STATED IN § 5–701(B) OF THE FAMILY LAW ARTICLE.

(3) “NEGLECT” HAS THE MEANING STATED IN § 5–701(S) OF THE FAMILY LAW ARTICLE.

1 **(B) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A**
2 **LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL ADOPT REGULATIONS**
3 **THAT:**

4 **(1) (I) REQUIRE, BEFORE THE ISSUANCE OF A LICENSE OR**
5 **CERTIFICATE AND EVERY 4 YEARS THEREAFTER, EACH APPLICANT FOR A**
6 **LICENSE OR CERTIFICATE TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON**
7 **THE IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT;**

8 **(II) REQUIRE, BEFORE THE RENEWAL OF A LICENSE OR**
9 **CERTIFICATE AND EVERY 4 YEARS THEREAFTER, EACH LICENSEE OR**
10 **CERTIFICATE HOLDER TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON THE**
11 **IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT; AND**

12 **(III) REQUIRE, BEFORE FIRST TREATING, HEALING,**
13 **COUNSELING, OR OTHERWISE INTERACTING WITH PATIENTS OR CLIENTS AND**
14 **EVERY 4 YEARS THEREAFTER, EACH UNLICENSED MEDICAL PRACTITIONER OR**
15 **OTHER HEALTH CARE PRACTITIONER IN TRAINING WHO WORKS DIRECTLY WITH**
16 **PATIENTS TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON THE**
17 **IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT; AND**

18 **(2) ALLOW A WAIVER OF THE REQUIREMENTS UNDER**
19 **PARAGRAPH (1) OF THIS SUBSECTION IF THE HEALTH CARE PRACTITIONER:**

20 **(I) DOES NOT TREAT, HEAL, OR OTHERWISE GIVE CARE TO**
21 **~~HUMAN BEINGS~~ MINORS; OR**

22 **(II) DOES NOT SUPERVISE, TRAIN, OR EDUCATE OTHER**
23 **HEALTH CARE PRACTITIONERS WHO TREAT, HEAL, OR OTHERWISE GIVE CARE**
24 **TO ~~HUMAN BEINGS~~ MINORS.**

25 **(C) THE TRAINING DESCRIBED IN SUBSECTION (B) OF THIS SECTION**
26 **SHALL INCLUDE AT A MINIMUM:**

27 **(1) THE REPORTING REQUIREMENTS OF §§ 5-704 AND 5-705.1 OF**
28 **THE FAMILY LAW ARTICLE;**

29 **(2) INFORMATION REGARDING SIGNS AND SYMPTOMS OF ABUSE**
30 **AND NEGLECT;**

31 **(3) APPROPRIATE RESPONSES TO DISCLOSURES OF ABUSE AND**
32 **NEGLECT; AND**

33 **(4) RESOURCES AND REFERRALS FOR VICTIMS.**

1 **(D) EACH HEALTH OCCUPATION BOARD SHALL ESTABLISH A PROCESS**
2 **FOR PROFESSIONAL ASSOCIATIONS, NONPROFIT ORGANIZATIONS, COLLEGES,**
3 **UNIVERSITIES, AND OTHER ORGANIZATIONS TO OBTAIN CERTIFICATION THAT**
4 **SPECIFIC CONTINUING EDUCATION COURSES OFFERED BY THE ORGANIZATION,**
5 **INCLUDING COURSES THAT ARE OFFERED ONLINE, BY TELECONFERENCE, IN**
6 **PERSON, OR BY ANY OTHER METHOD REASONABLY DESIGNED TO EDUCATE**
7 **ATTENDEES, SATISFY THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
8 **SECTION.**

9 **(E) SUBJECT TO THE INDIVIDUAL'S RIGHT TO A HEARING IN**
10 **ACCORDANCE WITH THE APPLICABLE PROVISIONS OF LAW, IF AN APPLICANT, A**
11 **LICENSEE, OR A CERTIFICATE HOLDER VIOLATES A REGULATION ADOPTED**
12 **UNDER SUBSECTION (B) OF THIS SECTION, A HEALTH OCCUPATION BOARD MAY:**

13 **(1) DENY A LICENSE OR CERTIFICATE TO THE APPLICANT;**

14 **(2) REPRIMAND THE LICENSEE OR CERTIFICATE HOLDER;**

15 **(3) PLACE THE LICENSEE OR CERTIFICATE HOLDER ON**
16 **PROBATION; OR**

17 **(4) SUSPEND OR REVOKE THE LICENSE OR CERTIFICATE.**

18 **(F) THIS SECTION DOES NOT AFFECT ANY OTHER DISCIPLINARY ACTION**
19 **AUTHORIZED UNDER A HEALTH OCCUPATION BOARD'S STATUTORY OR**
20 **REGULATORY PROVISIONS.**

21 **(G) (1) EACH YEAR, EACH HEALTH OCCUPATION BOARD SHALL**
22 **SUBMIT A STATISTICAL REPORT TO THE SECRETARY, INDICATING THE NUMBER**
23 **OF INDIVIDUALS, AND SPECIFYING THEIR PROFESSIONS, WHO:**

24 **(I) HAVE CERTIFIED THAT THEY RECEIVED TRAINING AS**
25 **REQUIRED BY THIS SECTION;**

26 **(II) RECEIVED A WAIVER; AND**

27 **(III) FAILED TO COMPLY WITH THIS SECTION AND THE**
28 **ACTION THAT WAS TAKEN AS A RESULT.**

29 **(2) THE REPORT SHALL:**

30 **(I) COVER THE PERIOD BEGINNING OCTOBER 1 AND**
31 **ENDING THE FOLLOWING SEPTEMBER 30; AND**

1 **(II) BE SUBMITTED BY THE BOARD NOT LATER THAN THE**
2 **NOVEMBER 15 FOLLOWING THE REPORTING PERIOD.**

3 **(3) THE SECRETARY SHALL COMPILE THE INFORMATION**
4 **RECEIVED FROM THE HEALTH OCCUPATION BOARDS AND SUBMIT AN ANNUAL**
5 **REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE**
6 **STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 31 OF EACH YEAR.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.