

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1169
Judiciary

(Delegate McComas, *et al.*)

Judicial Proceedings

Child Abuse and Neglect - Training of Health Care Professionals

This bill requires the Maryland Department of Health to provide each health occupations board that is authorized under current law to take action against an applicant, licensee, certificate holder, registrant, or permit holder who knowingly fails to report suspected child abuse, as required by current law, with a list of generally recommended courses on the obligation to report abuse and neglect and the identification of abused and neglected children. Each board must (1) post the information required for a prospective student to enroll for one or more of the recommended courses prominently on the board's website; (2) provide information about the courses to specified health care professionals at the time of license renewal; or (3) advertise the availability of the recommended courses in the newsletters and any other media published by the board. These provisions do not apply to a board that requires licensees, certificate holders, registrants, or permit holders to obtain continuing education on the identification and reporting of abused and neglected children.

Fiscal Summary

State Effect: The bill's requirements can be met with existing resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law:

Mandatory Reporters

Health care practitioners, police officers, educators, and human service workers who are acting in a professional capacity, and who have reason to believe that a child has been subjected to abuse or neglect, must notify the local department of social services or the appropriate law enforcement agency. An “educator or human service worker” includes any teacher, counselor, social worker, caseworker, and parole or probation officer. If the worker is acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, then the individual must notify the head of the institution or the designee.

A worker who notifies the appropriate authorities must make an oral report by telephone or direct communication as soon as possible to the local department or the appropriate law enforcement agency if the worker has reason to believe the child has been subjected to abuse or neglect. A written report to the local department is required not later than 48 hours after the contact, examination, or treatment that caused the worker to believe that the child had been subjected to abuse or neglect. A copy of the written report must be provided to the local State’s Attorney. An agency that receives an oral report of suspected abuse or neglect must immediately notify the other agency.

As far as reasonably possible, a worker who makes a report must include the name, age, and home address of the child; the name and home address of the child’s parent or other person responsible for the child’s care; the whereabouts of the child; and the nature and extent of the child abuse or neglect. The report must include any available evidence about previous instances of abuse or neglect, any information that would help to determine the cause of the suspected abuse or neglect, and the identity of any person responsible for the abuse or neglect.

The licensing boards for some workers who are mandated to report child abuse and neglect (nurses, physicians, and social workers are examples) are authorized to discipline workers for failing to report. In addition, a mandatory reporter may not knowingly fail to provide required notice or make the required written report if the individual has actual knowledge of the abuse or neglect. A violator is guilty of a misdemeanor and subject to a maximum penalty of up to three years imprisonment and/or a \$10,000 fine. The provisions only apply to a failure to report child abuse or neglect that occurs during the time the child is a minor.

Reporting by Other Individuals

Although the term “mandatory reporters” refers only to individuals who must report suspected child abuse or neglect because of their professional capacity, State law generally requires all individuals to report suspected child abuse and neglect. For example, pursuant to § 5-705 of the Family Law Article, a person *other than* a health care practitioner, police officer, educator, or human service worker who has reason to believe that a child has been subjected to abuse or neglect must notify the local department of social services or the appropriate law enforcement agency. Attorneys and clergy are generally exempt from reporting if they become aware of suspected abuse or neglect through privileged communications, as specified in statute. Unlike mandatory reporters, other individuals are not subject to criminal penalties for the failure to report suspected child abuse and neglect.

Immunity Provisions

Individuals who in good faith make or participate in making a report of abuse or neglect or participate in an investigation or resulting judicial proceeding are immune from civil liability or criminal penalties.

Additional Information

Prior Introductions: HB 701 of 2021 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 820 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken. Similar legislation was also considered in the 2017 through 2019 sessions.

Designated Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland Department of Health; Department of Legislative Services

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