

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 762
Judiciary

(Delegate Cardin, *et al.*)

Criminal Procedure - Child Advocacy Centers - Care Providers

This bill establishes procedures for child advocacy centers (CACs) when there is a change in health care providers for children at the center. The bill also extends applicability of the Health Care Worker Whistleblower Protection Act under Title 1, Subtitle 5 of the Health Occupations Article to behavioral, mental, and other health care providers working with CACs to ensure their protection if raising concerns about center operations, services, and standards of care.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: Generally, a CAC must provide written notification within 48 hours to the child and the child's parent or guardian when there is a change in the child's behavioral, mental, or other health care provider. The notification must include the name and contact information of the new and previous providers. However, a CAC is not required to provide the notification if the CAC has reason to believe that the notification may endanger the child.

The previous provider must be allowed to contact the child and the child's parent or guardian to conduct a termination session and assist in transferring the child's care to the new provider, unless the CAC has terminated the previous provider for conduct detrimental to the health, safety, and welfare of a child.

Current Law:

Child Advocacy Centers

The Governor's Office of Crime Prevention, Youth, and Victim Services is required to establish and sustain CACs in the State and ensure that every child in the State has access to a CAC. CACs (1) may be based in private nonprofit organizations, local departments of social services, local law enforcement agencies, or a partnership among any of these entities; (2) must be developed and located to facilitate their use by alleged victims residing in the surrounding area; (3) must assist in the response to or investigation of allegations of sexual crimes against children and sexual abuse of minors; (4) may assist in the response to or investigation of child abuse and neglect and allegations of a crime of violence in the presence of a minor; (5) must provide a level of care that meets or exceeds specified standards; and (6) must be included in all joint investigation procedures developed under specified requirements related to the investigation of reports of suspected child abuse or neglect.

Health Care Worker Whistleblower Protection Act

The Health Care Worker Whistleblower Protection Act offers specified protections for certain employees licensed or certified by one of the State's health occupations boards. In general, an employer may not take or refuse to take any personnel action as reprisal against an employee because the employee (1) discloses or threatens to disclose to a supervisor or board an activity, policy, or practice of the employer that is in violation of a law, rule, or regulation; (2) provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by the employer; or (3) objects or refuses to participate in any activity, policy, or practice in violation of a law, rule, or regulation.

The protections are only applicable if (1) the employee has a reasonable, good faith belief that the employer has (or still is) engaged in an activity, policy, or practice that is in violation of a law, rule, or regulation; (2) the activity, policy, or practice that is the subject of the employee's disclosure poses a substantial danger to the public health or safety; and (3) before reporting to a health occupations board, the employee has either reported the activity internally and afforded the employer a reasonable opportunity to take corrective action or, if the employer has a specified compliance plan, the employee has followed the plan.

Any employee who is subject to a personnel action in violation of the aforementioned requirements may institute a civil action, as specified.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 503 (Senator Muse) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Maryland Department of Health; Governor's Office of Crime Prevention, Youth, and Victim Services; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2023
km/lgc

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