



Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

2021 SESSION POSITION PAPER

BILL NO.: House Bill 701
COMMITTEE: House Judiciary
POSITION: Information

TITLE: Child Abuse and Neglect – Training of Health Care Professionals

BILL ANALYSIS: House Bill (HB) 701 requires the Maryland Department of Health (MDH) to provide to certain boards a list of generally recommended courses related to the obligation to report abuse and neglect as required by §5-704 of the Family Law Article and identification of abused and neglected children. The bill also requires a board to post prominently on its Website the information required for a prospective student to enroll for one or more of the recommended courses and, among other things, to provide information about the recommended courses to health care professionals at the time of renewal of licensure.

POSITION & RATIONALE:

The Maryland Board of Physicians (the “Board”) supports the goal of the bill to assure that child abuse and neglect is reported. The Board takes such required reporting seriously and has disciplined licensees who have violated §14-404(a)(25) of the Maryland Medical Practice Act (the “Act”). This disciplinary ground addresses a violation by a licensee who “knowingly fails to report suspected child abuse in violation of §5-704 of the Family Law Article.”

However, the Board has concerns about providing information about the recommended courses to licensees at the time of license renewal. Under §14-316(d)(5) of the Act, the Board is prohibited from requiring licensees to complete specific courses or programs as a condition of license renewal. The Board believes that providing information about the recommended courses with the renewal notification will make it appear that the Board endorses or requires the courses for license renewal, in contravention of the explicit statutory prohibition.

In addition to physicians, the Board licenses eleven allied health professions whose practitioners renew their licenses online at different times in either an odd or even year. The Board would need to devote considerable staff time to modify existing Board operations in order to send renewal notifications (via e-mail and a mailed postcard) with information on courses to several groups at various times during the year.

The Board currently posts a broad range of information and resources on its Website and is agreeable to adding a list from MDH. However, the Board is concerned about the language in HB 701 regarding the posting of “information required for a prospective student to enroll for one or more of the recommended courses provided to the board...” The Board does not have jurisdiction over students and would not have knowledge about prospective students or course enrollment.

For more information, please contact Wynne Hawk, Manager, Policy and Legislation, Maryland Board of Physicians, 410-764-3786.

The opinion of the Board expressed in this document does not necessarily reflect that of the Maryland Department of Health or the Administration.