



Board of Physicians

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

2022 SESSION POSITION PAPER

BILL NO.: HB 1402 – Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations
COMMITTEE: Health and Government Operations
POSITION: Letter of Information

TITLE: Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations

POSITION AND RATIONALE:

The Maryland Board of Physicians (the Board) is submitting this letter of information for House Bill (HB) 1402 – Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations. HB 1402 alters the statute of limitations for sexual offenses where the offender was a health care practitioner and creates notification requirements for health care practitioners who suspect or have reason to believe a patient has been subjected to sexual abuse.

The Board supports strong reporting standards for cases involving sexual abuse. The Board’s licensees are mandated reporters, and for cases involving minors, the Board currently has an existing disciplinary ground for licensees who fail to report suspected child abuse in violation of § 5-704 of the Family Law Article.

HB 1402 states that prosecutions for misdemeanor offenses regarding sexual contact without consent shall be instituted within 3 years after the offense was committed for cases where the defendant was a health care practitioner. In addition to the criminal penalties, the Board has extensive regulations regarding sexual misconduct by licensed physicians. While cases brought before the Board must typically be brought within 6 years of the offense, COMAR 10.32.02.03E(2) clarifies that there is no such limitation for cases involving sexual misconduct. The Board would like clarification that the limitation for criminal prosecution in HB 1402 will not in any way limit the Board’s ability to initiate disciplinary actions against physicians who have engaged in sexual misconduct.

Thank you for your consideration. For additional information, contact Matthew Dudzic, Manager of Policy and Legislation, Maryland Board of Physicians, at 410-764-5042.

Sincerely,

A handwritten signature in blue ink, appearing to read "Damean W. E. Freas".

Damean W. E. Freas, D.O.
Chair, Maryland Board of Physicians

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