



Committee: House Judiciary Committee
Bill Number: HB 1402
Title: Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations
Hearing Date: March 29, 2022
Position: Oppose

The Maryland Nurses Association (MNA) opposes *House Bill 1402 – Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations*. This bill would create a new reporting, and unclear reporting requirement on healthcare providers. MNA strongly supports protecting patients from sexual abuse but believes that as drafted this bill would have serious adverse consequences.

Our understanding is that this bill is seeking to require reporting when sexual abuse is committed by a healthcare provider when the patient is unaware of the alleged abuse. However, as written, the bill requires healthcare providers to report any incidents of sexual abuse to the patient, the patient’s guardian, and the patient’s health care agent, regardless of the perpetrator. Current law, requires all healthcare providers to report sexual abuse of minors or vulnerable adults to the Department of Social Services. Although in most situations a healthcare provider will inform a patient’s parent when they make an abuse report, there are situations when notifying the parent is inappropriate. For example, if a parent or other family member is abusing a child, it can be a serious safety risk to notify a parent of an abuse report before law enforcement is able to make contact with the parent and child. There are children have died because families have learned that an abuse report has been filed and we believe this bill could increase that risk.

The bill also extends the statute of limitations for prosecutions of certain sex crimes if the defendant is a healthcare provider. We have some broader concerns about this language but are particularly concerned with the language as drafted. As currently drafted, it appears that the statute of limitations would be extended whenever defendant is a healthcare provider regardless if the alleged sexual abuse was actually related to the individuals work as a provider.

Thank you for your consideration of our testimony, and we urge an unfavorable report. If we can provide any further information, please contact Scott Tiffin at stiffin@policypartners.net.