

March 23, 2022

HB 1402 - Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations
Judiciary Committee

****Opposed****

National Association of Social Workers Maryland Chapter (NASW-MD) **is opposed to HB 1402 - Health Care Practitioners – Sexual Abuse – Reporting and Statute of Limitations**. NASW strongly supports protecting all people from abuse but are concerned about the unintended consequences of this bill.

As drafted, the bill requires healthcare providers to report alleged abuse to the, “...patient, the patient’s guardian, and the patient’s health care agent...” NASW’s child welfare experts are deeply concerned this language will create confusion regarding existing reporting requirements and place child abuse victims at risk.

Current law requires all healthcare providers to report sexual abuse of minors or vulnerable adults to the Department of Social Services. Informing the parent when an abuse report has been filed is not always safe for children. Especially when the parent or another family member is the abuser, informing the parent before law enforcement or the Department is able to make contact with the child can be dangerous, if not fatal.

In addition, the goal of the changes the bill seeks to make to the statute of limitations for certain sex crimes is unclear. As currently drafted, it seems to extend the statute of limitations whenever the defendant is a healthcare provider, even if the abuse allegation had nothing to do with the individual’s role as a healthcare provider.

NASW-MD asks for an unfavorable report. We are definitely open to conversations in the interim about a strategy to address any gaps in our current abuse reporting laws. If you have any questions, please feel free to contact Mary Beth DeMartino, Executive Director, NASW MD (mdemartino.naswmd@socialworkers.org).