



Daniel Doherty
FWA
MSDA

Suggested Amendment to HB 1402 – Health Care Practitioners – Sexual Abuse – Reporting and Statute
of Limitations

Respectfully submitted by Daniel T. Doherty, Jr. on behalf of the Maryland State Dental Association

The current statutory standard for a health care practitioner to report abuse and/or neglect is: if a health care practitioner has “reason to believe” that a person has been abused they are obligated to report that abuse. HB 1402, however, in addition to “a reason to believe” standard, adds the nebulous and ambiguous standard of requiring the reporting of sexual abuse if a practitioner merely “suspects” that a patient has been subjected to sexual abuse.

The MSDA contends that suspicions should not require the health care practitioner to make a report of sexual abuse. Suspicions lack probative value, they are merely a feeling that abuse might have occurred when it is just as, or more, likely that the abuse did not occur. In MSDA’s judgement this should not be the basis for a report that will permanently stigmatize the alleged abuser, and may subject a practitioner to prosecution for a misdemeanor if he or she concludes that their suspicions are insufficient to justify reporting the “suspected” sexual abuse.

Therefore, the Maryland State Dental Association urges that HB 1402 be amended by striking on page 3 in line 9 “SUSPECTS OR”, or in the alternative report HB 1402 Unfavorably.

Respectfully submitted by
Daniel T. Doherty, Jr.
March 29, 2022
301-606-7553