

SENATE BILL 607

D4, J2

4lr1368

By: **Senators Shank, Forehand, Jacobs, Raskin, and Stone**

Introduced and read first time: January 30, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Abuse and Neglect – Failure to Report and Training**

3 FOR the purpose of requiring an agency that is participating in a child abuse or
4 neglect investigation and that has reasonable grounds to believe that a person
5 has failed to report child abuse as required under a certain provision of law to
6 file a certain complaint with a certain board, agency, institution, or facility;
7 requiring each health occupation board authorized to issue a license or
8 certificate to adopt certain regulations regarding training on the identification
9 and reporting of child abuse and neglect; specifying certain requirements for the
10 child abuse and neglect training; requiring each health occupation board to
11 establish a certain process for obtaining certification that certain courses satisfy
12 certain training requirements; specifying certain sanctions for a violation of a
13 certain regulation adopted by a health occupation board; establishing that this
14 Act does not affect certain other disciplinary actions of a health occupation
15 board authorized under other provisions; requiring each health occupation
16 board to submit a certain annual statistical report to the Secretary of Health
17 and Mental Hygiene; requiring the Secretary to compile certain information and
18 submit a certain annual report to the General Assembly; defining certain terms;
19 and generally relating to child abuse and neglect.

20 BY adding to

21 Article – Family Law

22 Section 5–705.3

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2013 Supplement)

25 BY adding to

26 Article – Health Occupations

27 Section 1–222

28 Annotated Code of Maryland

29 (2009 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Family Law**

4 **5–705.3.**

5 IF AN AGENCY PARTICIPATING IN AN INVESTIGATION UNDER § 5–706 OF
6 THIS SUBTITLE HAS REASONABLE GROUNDS TO BELIEVE THAT A PERSON HAS
7 FAILED TO REPORT SUSPECTED ABUSE OR NEGLECT AS REQUIRED BY § 5–704
8 OF THIS SUBTITLE, THE AGENCY SHALL:

9 (1) IF THE PERSON IS A HEALTH PRACTITIONER, FILE A
10 COMPLAINT WITH THE APPROPRIATE LICENSING BOARD IN ACCORDANCE WITH
11 THE PROVISIONS OF THE HEALTH OCCUPATIONS ARTICLE;

12 (2) IF THE PERSON IS A POLICE OFFICER, FILE A COMPLAINT
13 WITH THE APPROPRIATE LAW ENFORCEMENT AGENCY; OR

14 (3) IF THE PERSON IS AN EDUCATOR OR A HUMAN SERVICE
15 WORKER, FILE A COMPLAINT WITH THE COUNTY BOARD OF EDUCATION OR THE
16 APPROPRIATE AGENCY, INSTITUTION, OR LICENSED FACILITY AT WHICH THE
17 PERSON WORKS.

18 **Article – Health Occupations**

19 **1–222.**

20 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) “ABUSE” HAS THE MEANING STATED IN § 5–701(B) OF THE
23 FAMILY LAW ARTICLE.

24 (3) “NEGLECT” HAS THE MEANING STATED IN § 5–701(S) OF THE
25 FAMILY LAW ARTICLE.

26 (B) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A
27 LICENSE OR CERTIFICATE UNDER THIS ARTICLE SHALL ADOPT REGULATIONS
28 THAT:

29 (1) (I) REQUIRE, BEFORE THE ISSUANCE OF A LICENSE OR
30 CERTIFICATE AND EVERY 4 YEARS THEREAFTER, EACH APPLICANT FOR A

1 LICENSE OR CERTIFICATE TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON
2 THE IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT;

3 (II) REQUIRE, BEFORE THE RENEWAL OF A LICENSE OR
4 CERTIFICATE AND EVERY 4 YEARS THEREAFTER, EACH LICENSEE OR
5 CERTIFICATE HOLDER TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON THE
6 IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT; AND

7 (III) REQUIRE, BEFORE FIRST TREATING, HEALING,
8 COUNSELING, OR OTHERWISE INTERACTING WITH PATIENTS OR CLIENTS AND
9 EVERY 4 YEARS THEREAFTER, EACH UNLICENSED MEDICAL PRACTITIONER OR
10 OTHER HEALTH CARE PRACTITIONER IN TRAINING WHO WORKS DIRECTLY WITH
11 PATIENTS TO RECEIVE AT LEAST 90 MINUTES OF TRAINING ON THE
12 IDENTIFICATION AND REPORTING OF ABUSE AND NEGLECT; AND

13 (2) ALLOW A WAIVER OF THE REQUIREMENTS UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION IF THE HEALTH CARE PRACTITIONER:

15 (I) DOES NOT TREAT, HEAL, OR OTHERWISE GIVE CARE TO
16 HUMAN BEINGS; OR

17 (II) DOES NOT SUPERVISE, TRAIN, OR EDUCATE OTHER
18 HEALTH CARE PRACTITIONERS WHO TREAT, HEAL, OR OTHERWISE GIVE CARE
19 TO HUMAN BEINGS.

20 (C) THE TRAINING DESCRIBED IN SUBSECTION (B) OF THIS SECTION
21 SHALL INCLUDE AT A MINIMUM:

22 (1) THE REPORTING REQUIREMENTS OF §§ 5-704 AND 5-705.1 OF
23 THE FAMILY LAW ARTICLE;

24 (2) INFORMATION REGARDING SIGNS AND SYMPTOMS OF ABUSE
25 AND NEGLECT;

26 (3) APPROPRIATE RESPONSES TO DISCLOSURES OF ABUSE AND
27 NEGLECT; AND

28 (4) RESOURCES AND REFERRALS FOR VICTIMS.

29 (D) EACH HEALTH OCCUPATION BOARD SHALL ESTABLISH A PROCESS
30 FOR PROFESSIONAL ASSOCIATIONS, NONPROFIT ORGANIZATIONS, COLLEGES,
31 UNIVERSITIES, AND OTHER ORGANIZATIONS TO OBTAIN CERTIFICATION THAT
32 SPECIFIC CONTINUING EDUCATION COURSES OFFERED BY THE ORGANIZATION,

1 INCLUDING COURSES THAT ARE OFFERED ONLINE, BY TELECONFERENCE, IN
2 PERSON, OR BY ANY OTHER METHOD REASONABLY DESIGNED TO EDUCATE
3 ATTENDEES, SATISFY THE REQUIREMENTS OF SUBSECTION (B) OF THIS
4 SECTION.

5 (E) SUBJECT TO THE INDIVIDUAL'S RIGHT TO A HEARING IN
6 ACCORDANCE WITH THE APPLICABLE PROVISIONS OF LAW, IF AN APPLICANT, A
7 LICENSEE, OR A CERTIFICATE HOLDER VIOLATES A REGULATION ADOPTED
8 UNDER SUBSECTION (B) OF THIS SECTION, A HEALTH OCCUPATION BOARD MAY:

9 (1) DENY A LICENSE OR CERTIFICATE TO THE APPLICANT;

10 (2) REPRIMAND THE LICENSEE OR CERTIFICATE HOLDER;

11 (3) PLACE THE LICENSEE OR CERTIFICATE HOLDER ON
12 PROBATION; OR

13 (4) SUSPEND OR REVOKE THE LICENSE OR CERTIFICATE.

14 (F) THIS SECTION DOES NOT AFFECT ANY OTHER DISCIPLINARY ACTION
15 AUTHORIZED UNDER A HEALTH OCCUPATION BOARD'S STATUTORY OR
16 REGULATORY PROVISIONS.

17 (G) (1) EACH YEAR, EACH HEALTH OCCUPATION BOARD SHALL
18 SUBMIT A STATISTICAL REPORT TO THE SECRETARY, INDICATING THE NUMBER
19 OF INDIVIDUALS, AND SPECIFYING THEIR PROFESSIONS, WHO:

20 (I) HAVE CERTIFIED THAT THEY RECEIVED TRAINING AS
21 REQUIRED BY THIS SECTION;

22 (II) RECEIVED A WAIVER; AND

23 (III) FAILED TO COMPLY WITH THIS SECTION AND THE
24 ACTION THAT WAS TAKEN AS A RESULT.

25 (2) THE REPORT SHALL:

26 (I) COVER THE PERIOD BEGINNING OCTOBER 1 AND
27 ENDING THE FOLLOWING SEPTEMBER 30; AND

28 (II) BE SUBMITTED BY THE BOARD NOT LATER THAN THE
29 NOVEMBER 15 FOLLOWING THE REPORTING PERIOD.

1 **(3) THE SECRETARY SHALL COMPILE THE INFORMATION**
2 **RECEIVED FROM THE HEALTH OCCUPATION BOARDS AND SUBMIT AN ANNUAL**
3 **REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE**
4 **STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 31 OF EACH YEAR.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2014.