

UNOFFICIAL COPY OF HOUSE BILL 1169

HOUSE BILL 1169

D4, J2  
HB 701/21 - JUD

2lr2146

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By: **Delegates McComas, Henson, McKay, and Thiam**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2022

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Abuse and Neglect - Training of Health Care Professionals**

3 FOR the purpose of requiring the Maryland Department of Health, through the Child Abuse Medical Providers  
4 Initiative, to provide certain boards

5 with a list of certain generally recommended courses relating to the obligation to  
6 report child abuse and neglect and the identification of abused and neglected  
7 children; requiring certain boards to post certain information prominently on each  
8 board's website, provide information about certain recommended courses to certain  
9 health care professionals at a certain time, or advertise the availability of certain  
10 recommended courses in certain media; and generally relating to child abuse and  
neglect and the training of certain health care professionals.

11 BY repealing and reenacting, without amendments,  
12 Article - Family Law  
13 Section 5-704  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2021 Supplement)

16 BY adding to  
17 Article - Health Occupations  
18 Section 1-227  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume)

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

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## Article - Family Law

2 5-704.

3 (a) Notwithstanding any other provision of law, including any law on privileged  
4 communications, each health practitioner, police officer, educator, or human service  
5 worker, acting in a professional capacity in this State:

6 (1) who has reason to believe that a child has been subjected to abuse or  
7 neglect, shall notify the local department or the appropriate law enforcement agency; and

8 (2) if acting as a staff member of a hospital, public health agency, child care  
9 institution, juvenile detention center, school, or similar institution, shall immediately  
10 notify and give all information required by this section to the head of the institution or the  
11 designee of the head.

12 (b) (1) An individual who notifies the appropriate authorities under subsection  
13 (a) of this section shall make:

14 (i) an oral report, by telephone or direct communication, as soon as  
15 possible to the local department or appropriate law enforcement agency; and

16 (ii) a written report:

17 1. to the local department not later than 48 hours after the  
18 contact, examination, attention, or treatment that caused the individual to believe that the  
19 child had been subjected to abuse or neglect; and

20 2. with a copy to the local State's Attorney.

21 (2) (i) An agency to which an oral report of suspected abuse or neglect  
22 is made under paragraph (1) of this subsection shall immediately notify the other agency.

23 (ii) This paragraph does not prohibit a local department and an  
24 appropriate law enforcement agency from agreeing to cooperative arrangements.

25 (c) Insofar as is reasonably possible, an individual who makes a report under this  
26 section shall include in the report the following information:

27 (1) the name, age, and home address of the child;

28 (2) the name and home address of the child's parent or other person who is  
29 responsible for the child's care;

30 (3) the whereabouts of the child;

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1 (4) the nature and extent of the abuse or neglect of the child, including any  
 2 evidence or information available to the reporter concerning possible previous instances of  
 3 abuse or neglect; and

4 (5) any other information that would help to determine:

5 (i) the cause of the suspected abuse or neglect; and

6 (ii) the identity of any individual responsible for the abuse or neglect.

7 **Article - Health Occupations**

8 **1-227.**

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 10 INDICATED.

11 (2) "BOARD" MEANS ANY BOARD AUTHORIZED UNDER THIS ARTICLE  
 12 TO TAKE ACTION AGAINST AN APPLICANT, A LICENSEE, A CERTIFICATE HOLDER, A  
 13 REGISTRANT, OR A PERMIT HOLDER WHO KNOWINGLY FAILS TO REPORT SUSPECTED  
 14 CHILD ABUSE IN VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

15 (3) "CHILD ABUSE MEDICAL PROVIDERS (MARYLAND CHAMP)" HAS THE MEANING STATED IN §  
13-2201(A) OF THE HEALTH - GENERAL ARTICLE.

16 (4) "HEALTH CARE PROFESSIONAL" MEANS ANY APPLICANT,  
 17 LICENSEE, CERTIFICATE HOLDER, REGISTRANT, OR PERMIT HOLDER GOVERNED BY  
 18 A BOARD.

19 (B) THE DEPARTMENT, THROUGH MARYLAND CHAMP, SHALL PROVIDE TO EACH BOARD A  
 20 LIST OF  
 21 GENERALLY RECOMMENDED COURSES ON:

22 (1) THE OBLIGATION TO REPORT ABUSE AND NEGLECT AS REQUIRED  
 23 BY § 5-704 OF THE FAMILY LAW ARTICLE; AND

24 (2) THE IDENTIFICATION OF ABUSED AND NEGLECTED CHILDREN.

25 (C) (1) THIS SUBSECTION DOES NOT APPLY TO A BOARD THAT REQUIRES  
 26 A LICENSEE, A CERTIFICATE HOLDER, A REGISTRANT, OR A PERMIT HOLDER TO  
 27 OBTAIN CONTINUING EDUCATION ON THE IDENTIFICATION AND REPORTING OF  
 28 ABUSED AND NEGLECTED CHILDREN.

29 (2) EACH BOARD SHALL:

30 (I) POST THE INFORMATION REQUIRED FOR A PROSPECTIVE  
 31 STUDENT TO ENROLL FOR ONE OR MORE OF THE RECOMMENDED COURSES  
 PROVIDED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION PROMINENTLY  
 ON THE BOARD'S WEBSITE;

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1                   **(II) PROVIDE INFORMATION ABOUT THE RECOMMENDED**  
2 **COURSES TO HEALTH CARE PROFESSIONALS AT THE TIME OF RENEWAL OF**  
3 **LICENSURE; OR**

4                   **(III) ADVERTISE THE AVAILABILITY OF THE RECOMMENDED**  
5 **COURSES IN THE NEWSLETTERS AND ANY OTHER MEDIA PUBLISHED BY THE BOARD OR RECOMMENDED BY**  
6 **MARYLAND CHAMP.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7   October 1, 2022.