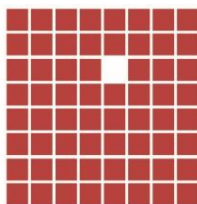




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**Maryland Chapter  
 AMERICAN COLLEGE OF  
 EMERGENCY PHYSICIANS**

TO: The Honorable Joseph F. Vallario, Jr., Chair  
 Members, House Judiciary Committee  
 The Honorable Kathleen M. Dumais

FROM: J. Steven Wise  
 Pamela Metz Kasemeyer  
 Danna L. Kauffman

DATE: March 9, 2017

RE: **SUPPORT WITH AMENDMENT** – House Bill 1263 – *Family Law – Child Abuse and Neglect – Definitions*

On behalf of the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American College of Emergency Physicians (MDACEP), we submit this letter of **support** for House Bill 1263, **with amendment**.

This legislation alters the definition of “abuse” as currently set forth in §5-701 of the Family Law Article. The definition is currently applicable to parents or others who have care, custody, or responsibility for the supervision of a child. The bill expands that definition to include “a person who, because of the person’s position or occupation, exercises authority over the child.” We believe this definition could include a physician and, for that matter, any health care practitioner.

Our concern is that the expanded definition of “abuse” does not clearly exclude the treatment of a patient by a practitioner. A health care provider should be able to treat a patient consistent with the medical standards of care without concern that allegations will later be made that the treatment was “abusive” under the law. Accordingly, we have set out below a suggested amendment to clarify this. To be clear, this amendment is intended to protect the health care provider who is acting in accordance with the standards of care; it is *not* intended to protect the rare but nevertheless possible circumstance where a practitioner is actually abusive to a patient.

With this amendment, MedChi and MDACEP would support this legislation.

On Page 2, at line 11:

(2) “Abuse” does not include:

(a) the physical injury of a child by accidental means; OR

(B) TREATMENT OF A PATIENT BY A LICENSED HEALTH CARE PROFESSIONAL CONSISTENT WITH MEDICAL STANDARDS OF CARE.

**For more information call:**

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