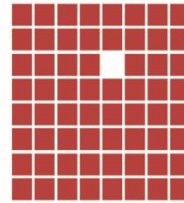




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Maryland Chapter  
**AMERICAN COLLEGE OF  
EMERGENCY PHYSICIANS**

TO: The Honorable Bobby A. Zirkin, Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Susan C. Lee

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

DATE: February 2, 2017

RE: **OPPOSE** – Senate Bill 135 – *Crimes – Child Abuse and Neglect – Failure to Report*

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On behalf of the Maryland State Medical Society (MedChi) and the American College of Emergency Physicians, Maryland Chapter (MDACEP), we submit this letter of opposition for Senate Bill 135.

Senate Bill 135 makes it a misdemeanor for health care practitioners, like physicians, to knowingly fail to report child abuse or neglect.

We believe the existing penalties for failure to report are more than adequate and that Senate Bill 135 is not necessary. Indeed, the licensing statute for physicians in Maryland makes the failure to report abuse a basis for reprimand, probation, suspension or revocation of the physician’s license. *See Health Occ., §14-404(a)(25)*. Moreover, the Board is permitted to fine physicians for their failure to report. *See Health Occ., §14-405.1*.

Our organizations do not believe that a physician who fails to report abuse or neglect would be further incentivized to do so by the presence of a criminal penalty and fine. Loss of one’s license, rendering the person unable to practice medicine and earn a living, is the greatest penalty that could be put upon a physician, and therefore constitutes more than adequate motivation to report child abuse and neglect. Further penalties in this respect would be superfluous and unnecessary.

In addition, legislation was adopted in 2016 (Ch. 375) which requires any agency involved with a child abuse case to notify health professional boards when they have “substantial grounds to believe” that a person regulated by that board failed to report suspected abuse or neglect. These provisions adequately ensure that health practitioners are held accountable.

For these reasons, MedChi and MDACEP oppose this legislation

**For more information call:**

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