

# MedChi

*The Maryland State Medical Society*

1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0871  
Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable Brian Frosh, Chairman  
Members, Senate Judicial Proceedings Committee  
The Honorable Delores Kelley

FROM: Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: March 3, 2010

RE: **OPPOSE** – Senate Bill 559 – *Child Protection – Mandatory Reporting of Children Regularly in Contact with Persons Convicted of Child Abuse and Child Sexual Abuse*

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The Maryland State Medical Society (MedChi), which represents over 7,300 Maryland physicians and their patients, opposes Senate Bill 559.

Senate Bill 559 would require physicians, among others, to report to the proper authorities that a child may be regularly associating with or residing with an individual who appears on a child abuse registry or has been convicted of child abuse or child sexual abuse.

MedChi agrees with the sponsor's goal of preventing children from associating with individuals who have abused children previously. Indeed, physicians are obligated to report child abuse and face professional discipline should they not do so.

However, MedChi's concern with the mandate contained in Senate Bill 559 that a physician report if they have "reason to believe" that a child is associating or residing with an abuser, is the unlikely ability of a physician to have information sufficient to comply with the mandate. How is a physician to know that the person who has brought a child into their practice is on the child abuse registry or has been convicted of child abuse? Moreover, how does a physician know what meets the threshold of "association" between a child and an adult abuser?

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The majority of cases that would arise as a result of this mandate would undoubtedly involve a physician who has, at best, unconfirmed suspicions or anecdotal information in this regard, but may be judged in hindsight as having been in a position to have “reason to believe”. MedChi’s concern is that physicians in this situation will wrongly be held responsible for any harm to the child that may later occur.

Again, while MedChi appreciates the aim of Senate Bill 559, it believes the scarce resources available to identify and address child abuse can be better directed than to create a reporting requirement that is likely to be based on supposition or less than complete information. MedChi requests an unfavorable report.

**For more information call:**

Joseph A. Schwartz, III  
Pamela Metz Kasemeyer  
J. Steven Wise  
410-269-1618