

# 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 Joseph F. Vallario, Jr., Chairman  
Members, House Judiciary Committee  
The Honorable Richard Impallaria

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

DATE: February 16, 2012

RE: **OPPOSE** – House Bill 496 – *Child Abuse and Neglect – Failure to Report – Penalties*

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The Maryland State Medical Society (MedChi) which represents over 7,600 Maryland physicians and their patients, opposes House Bill 496.

MedChi's objection is to the provision of the bill which subjects physicians and other health care practitioners to a misdemeanor penalty, fine, and jail time when adequate penalties already exist in the law for such a failure to report. **In fact, 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.**

MedChi does 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, fine and jail time. 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.

For these reasons, MedChi opposes this legislation.

**For more information call:**

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

410-269-1618