

MedChi

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TO: The Honorable Brian E. Frosh, Chairman
Members, Senate Judicial Proceedings Committee
The Honorable Delores G. Kelley
The Honorable Nancy Jacobs

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

DATE: February 8, 2012

RE: **OPPOSE** – Senate Bill 63 – *Child Abuse and Neglect – Failure to Provide Notice or Report – Civil Liability and Criminal Penalty*
OPPOSE – Senate Bill 140 – *Crimes – Child Abuse and Neglect – Failure to Report*

The Maryland State Medical Society (MedChi) which represents over 7,600 Maryland physicians and their patients, opposes Senate Bill 63 and Senate Bill 140.

Senate Bill 63 adds medical examiners and parole and probation agents to the list of those individuals who must notify the local health department or law enforcement agency if they have reason to believe that a child has been subject to abuse or neglect. Both Senate Bill 63 and Senate Bill 140 make it a misdemeanor for health care practitioners, like physicians, to knowingly fail to report such abuse or neglect.

MedChi does not take issue with the expanded application of the law. Health care practitioners are already included in the list of those individuals who must report abuse or neglect, and that requirement remains the same under both bills.

MedChi's objection is to the provision of both bills which subjects physicians and other health care practitioners to a misdemeanor penalty and fine, 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.

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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 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.

For these reasons, MedChi opposes this legislation.

For more information call:

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