

MedChi

The Maryland State Medical Society

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TO: The Honorable Brian E. Frosh, Chairman
Members, Senate Judicial Proceedings Committee
The Honorable Jennie Forehand

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

DATE: March 6, 2012

RE: **OPPOSE** – Senate Bill 626 – *Child Abuse – Failure to Report – Civil Penalty and Child Abuse Prevention Fund*

The Maryland State Medical Society (MedChi), which represents over 7,600 Maryland physicians and their patients, opposes Senate Bill 626.

Senate Bill 626 would permit the Attorney General to institute a civil action against a person, such as a physician, who “fails to report” abuse or neglect of a child, and to recover a penalty of up to \$100,000 from the physician. The fines recovered would go into a fund that could be distributed to certain eligible groups.

MedChi objects to the provision of the bill which subjects physicians and other health care practitioners to a substantial 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 already 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 an additional 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

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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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