

MedChi

The Maryland State Medical Society

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TO: The Honorable Joseph F. Vallario, Jr., Chair
Members, House Judiciary Committee
The Honorable Kathleen M. Dumais

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

DATE: February 11, 2016

RE: **OPPOSE** – House Bill 245 – *Child Abuse and Neglect – Failure to Report*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, opposes House Bill 245.

House Bill 245 would require any agency investigating a case of child abuse or neglect to report a health care practitioner who the agency believes failed to report suspected abuse to the practitioner's licensing board.

Physicians understand the need to report and act upon suspected child abuse and are already subject to professional discipline including, revocation or suspension of their license, for knowingly failing to report suspected child abuse. See Md. Code Ann., Health Occ §14 - 404 (a) (25).

Placing responsibility on agencies such as child protective services to report practitioners like physicians creates a risk of reports being filed without adequate investigation. These agency officials are already overworked and understaffed, and do not have the resources to investigate whether a physician had knowledge of suspected abuse or neglect. Our concern is that, due to the lack of resources, an agency may file complaints on physicians and other providers simply based on information that they treated a patient who was suspected to have been abused. That complaint could tarnish the record of a provider and require them to defend the complaint, however meritless it may be.

MedChi believes the existing penalties for failing to report abuse are significant, and serve the purpose of making physicians report child abuse. Setting up a statutory structure which may increase the amount of unfounded complaints against health professionals is not good public policy in our view. For these reasons, we would ask for an unfavorable report.

For more information call:

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