

MedChi

The Maryland State Medical Society

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TO: The Honorable Bobby A. Zirkin, Chair
Members, Senate Judicial Proceedings Committee
The Honorable Jamie Raskin

FROM: Gene M. Ransom, III, CEO

DATE: February 18, 2016

RE: **OPPOSE** – Senate Bill 310 – *Child Abuse and Neglect – Failure to Report*

The Maryland State Medical Society (MedChi), which represents more than 7,600 Maryland physicians and their patients, opposes Senate Bill 310.

Senate Bill 310 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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