

MedChi

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

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

DATE: January 30, 2013

RE: **OPPOSE** – Senate Bill 94 – *Child Abuse and Neglect – Notice and Reporting Requirements, Disclosure, and Task Force*

The Maryland State Medical Society (MedChi) which represents over 7,600 Maryland physicians and their patients, oppose Senate Bill 94.

MedChi objects to the provision of the bill 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*.

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.

With its objection noted, MedChi would further assert that, if in fact further penalties are determined to be warranted, then the appropriate penalties should be defined in conjunction with a number of other issues which significantly impact appropriate reporting. These issues

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include, but are not limited to: ease of reporting; education of mandatory reporters and judges; enhanced Department of Social Services funding to ensure prompt and appropriate intervention following a report; identification of additional individuals who should be required to report; and better education of parents, children and the public on child abuse and neglect issues. MedChi would support the creation of a task force to comprehensively look at these issues including the imposition of penalties. As written, however, MedChi respectfully requests an unfavorable report.

For more information call:

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