

MedChi

The Maryland State Medical Society

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

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

DATE: March 3, 2015

RE: **OPPOSE** – Senate Bill 525 – *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 Senate Bill 525.

Senate Bill 525 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.

It goes without saying that physicians understand the need to report and act upon suspected child abuse. Indeed, physicians 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).

The danger in this bill lies in placing a responsibility on agencies, such as child protective services, to report practitioners like physicians. These agency officials are already overworked and understaffed, and do not have the resources to investigate and form "reasonable grounds to believe" that a physician failed to report child abuse, as the bill requires. It is all they can do to conduct investigations on the abuse itself, let alone a third party's efforts to report it. Our concern is that, due to the lack of resources and inability to conduct a thorough investigation, the 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. Yet, the complaint will tarnish the record of many providers and require each of them to defend the complaint, however non-meritorious it may be.

MedChi believes the existing basis for discipline is adequate to encourage physicians to 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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