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
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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