

SUBTITLE IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT WOULD OTHERWISE RESULT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 27, § 35A(j)(1).

5-910. EXAMINATION AND TREATMENT OF ABUSED CHILD BY PHYSICIAN.

(A) EXAMINATION BY PHYSICIAN.

ANY PHYSICIAN WHO IS LICENSED OR AUTHORIZED TO PRACTICE MEDICINE IN THIS STATE SHALL EXAMINE ANY CHILD, WITH OR WITHOUT THE CONSENT OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN, TO DETERMINE THE NATURE AND EXTENT OF ANY INJURY OR ABUSE TO THE CHILD IF THE CHILD IS BROUGHT TO THE PHYSICIAN:

(1) IN ACCORDANCE WITH A COURT ORDER; OR

(2) BY A REPRESENTATIVE OF A LOCAL DEPARTMENT WHO STATES THAT THE REPRESENTATIVE BELIEVES THE CHILD IS AN ABUSED CHILD.

(B) TREATMENT BY PHYSICIAN.

IF A PHYSICIAN EXAMINES A CHILD UNDER SUBSECTION (A) OF THIS SECTION AND DETERMINES THAT IMMEDIATE MEDICAL TREATMENT IS INDICATED, THE PHYSICIAN MAY TREAT THE CHILD, WITH OR WITHOUT THE CONSENT OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN.

(C) IMMUNITY OF PERSON EXAMINING OR TREATING CHILD.

(1) A PHYSICIAN WHO EXAMINES A CHILD UNDER SUBSECTION (A) OF THIS SECTION OR WHO TREATS A CHILD UNDER SUBSECTION (B) OF THIS SECTION IS IMMUNE FROM ANY CIVIL LIABILITY OR CRIMINAL PENALTY THAT MAY RESULT FROM THE FAILURE TO OBTAIN CONSENT FROM THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN FOR THE EXAMINATION OR TREATMENT OF THE CHILD.

(2) THE IMMUNITY EXTENDS TO:

(I) ANY HEALTH CARE INSTITUTION WITH WHICH THE PHYSICIAN IS AFFILIATED, OR TO WHICH THE CHILD IS BROUGHT; AND

(II) ANY INDIVIDUAL WORKING UNDER THE CONTROL OR SUPERVISION OF THE PHYSICIAN OR UNDER THE CONTROL OR SUPERVISION OF THE HEALTH CARE INSTITUTION.

(D) RESPONSIBILITY TO PAY HEALTH CARE CHARGES.

(1) THE LOCAL HEALTH DEPARTMENT SHALL PAY FOR ALL REASONABLE PHYSICIAN AND HEALTH CARE INSTITUTION CHARGES THAT ARE INCURRED ON BEHALF OF A CHILD WHO IS EXAMINED OR TREATED UNDER THIS SECTION.