

(ii) has been found responsible for indicated abuse or neglect and has:

1. unsuccessfully appealed the finding in accordance with the procedures established under § 5-706.1 of this subtitle; or

2. failed to exercise the individual's appeal rights within the time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government Article, or the Maryland Rules.

(2) The Department without the necessity of a request shall remove from the name of an individual described in paragraph (1) of this subsection the identification of that individual as responsible for abuse or neglect if no entry has been made for that individual for 7 years after the entry of the individual's name in a registry.

(f) (1) Except for information entered in accordance with subsection (e) of this section, information in a central registry may not be used as a sole basis for responding to any request for background information for employment or voluntary service.

(2) An official or employee of the Department or a local department who releases information from a central registry in violation of paragraph (1) of this subsection is subject to the penalty provided in Article 88A, § 6(e) of the Code.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CENTRAL REGISTRY MAY NOT INCLUDE THE IDENTITY OF AN INDIVIDUAL RELATED TO AN INVESTIGATION OF NEGLIGENCE OR FOUND RESPONSIBLE FOR NEGLIGENCE WHEN:

(1) A CHILD HAS BEEN RELEASED FROM A HOSPITAL OR OTHER FACILITY;

(2) THE CHILD HAS BEEN DIAGNOSED WITH A MENTAL DISORDER OR DEVELOPMENTAL DISABILITY; AND

(3) THE INDIVIDUAL HAS FAILED TO TAKE THE CHILD HOME DUE TO A REASONABLE FEAR FOR THE SAFETY OF THE CHILD OR CHILD'S FAMILY.

[(g)](H) The Secretary of Human Resources:

(1) shall adopt regulations necessary to protect the rights of individuals suspected of abuse or neglect; and

(2) may adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

Approved April 22, 2003.