

Honorable Members of the Health and Human Services Committee,

Thank you for your service and considering my testimony. I'm Patty Knapp from Franklin and am testifying in favor of LD 1316. My family has been personally affected by the Mandated Reporter Law so I understand the value of this amendment.

It is important to acknowledge that the mandated reporter law has protected children's lives. Unfortunately, some aspects of this law have led to collateral damage. This problem is highlighted in an Issue Paper put out by the National Coalition for Child Protection Reform which reports that four out of five investigated allegations of child abuse turn out to be false, and a National Incidence Study done by the US Department of Health and Human Services that found that the department was six times more likely to wrongly label an innocent family as guilty as they were to wrongly label a guilty family as innocent.

Maine is not immune to false abuse labeling. In 2020, the Portland Press Herald published an article entitled, "State's rush to judgment almost took this boy from his family." The article chronicles the series of events that led to false abuse accusations of a mother of a seriously ill child and the devastating effect it had on the whole family – emotionally, physically and financially.

In trying to understand this case, consider that Mandated Reporters are faced with penalty, should they fail to report possible abuse. This fact combined with the immunity protection afforded by the law, seemingly contributes to providers aggressively reporting; in other words, providers are led to err on the side of overreporting. This is highlighted in the Portland case in which some providers, who seemingly lacked reasonable suspicion, felt obliged to file an abuse report after finding out that other providers filed a report.

Unfortunately, the law doesn't address the damage to families and children when the accusations are false. And it doesn't take into consideration the financial impact to HHS in having to investigate spurious cases.

The law as it stands now, only promotes one direction communication – that of making a report. There is no requirement for a provider to timely amend their report, including a medical record, should they subsequently obtain information that counters their initial documentation. LD 1316 will correct that situation. If providers consider that they may have to amend their report with updated information and that their failure to do so will prompt an investigation, this will provide the impetus for improved critical thinking, and thus discourage over reporting. This will help avoid some false accusations and in turn reduce consumption of department resources.

Had this amendment been in place when I was falsely accused, it would have enabled my child to get the urgent assessment and medical care he needed, protected him from an unfortunate outcome, and saved my family from serious unnecessary distress. In my family's case, a provider documented unsubstantiated accusations of abuse in my son's medical record. Even when these accusations were proven to be false, and the provider admitted that he documented

what amounted to gossip, the provider refused to correct the record. This in turn caused greater harm when other providers relied on the gross misinformation as accurate. This amendment will prevent a similar situation from occurring. Patients deserve truthful and accurate information in their medical record, especially when that information is critical to the health and safety of the patient. Ultimately, this amendment will make the Mandated Reporter Law more effective in protecting children. Please vote ought to pass on LD1316.

Patty Knapp  
Sullivan  
LD 1316  
Testimony attached.