

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 795 (Delegate Hammen)  
Health and Government Operations

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Consent Provisions - Minors - Mental or Emotional Disorder

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This bill authorizes a psychologist to give a parent, guardian, or custodian of a minor, or the spouse of the parent, information about the treatment needed by or provided to the minor for a mental or emotional disorder.

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Fiscal Summary

**State Effect:** None. The change would not directly affect governmental finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** A minor who is 16 or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic. This does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

Without consent of or over the express objection of a minor, the attending physician, or, on advice or direction of the attending physician, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about treatment needed by or provided to the minor for a mental or emotional disorder.

**Background:** Approximately one of every five children in the U.S. has a mental disorder, according to the Bazelon Center for Mental Health Law. Between 5% and 9%, or approximately 3.7 million to 6.6 million children and youth, have a serious emotional disturbance.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 799 (Senator Klausmeir) – Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene; *Fast Facts on Insurance Coverage and Access to Services for Children with Serious Mental Health Needs*, Bazelon Center for Mental Health Law, June 14, 2004; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2005  
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