

SENATE BILL 262

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SB 381/06 – EHE

71r1775

By: **Senators Klausmeier and Della**
Introduced and read first time: January 29, 2007
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Consent Provisions – Minors – Mental or Emotional Disorder**

3 FOR the purpose of authorizing psychologists to give certain individuals information,
4 without the consent of or over the express objection of a minor, about treatment
5 of a mental or emotional disorder needed by a minor or provided to a minor
6 under certain circumstances; authorizing certain individuals, on advice or
7 direction of a psychologist, to give certain individuals information, without the
8 consent of or over the express objection of a minor, about treatment of a mental
9 or emotional disorder needed by a minor or provided to a minor under certain
10 circumstances; and generally relating to the disclosure of information about the
11 treatment of a mental or emotional disorder of a minor.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 20–104
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2006 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 20–104.

3 (a) (1) A minor who is 16 years old or older has the same capacity as an
4 adult to consent to consultation, diagnosis, and treatment of a mental or emotional
5 disorder by a physician, psychologist, or a clinic.

6 (2) The capacity of a minor to consent to consultation, diagnosis, and
7 treatment of a mental or emotional disorder by a physician, psychologist, or a clinic
8 under paragraph (1) of this subsection does not include the capacity to refuse
9 consultation, diagnosis, or treatment for a mental or emotional disorder for which a
10 parent, guardian, or custodian of the minor has given consent.

11 (b) ~~(1) Without~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
12 **SUBSECTION, WITHOUT** the consent of or over the express objection of a minor, the
13 attending physician, **THE PSYCHOLOGIST**, or, on advice or direction of the attending
14 physician **OR THE PSYCHOLOGIST**, a member of the medical staff of a hospital or
15 public clinic may, but need not, give a parent, guardian, or custodian of the minor or
16 the spouse of the parent information about treatment needed by the minor or provided
17 to the minor under this section.

18 **(2) IF A PSYCHOLOGIST IS ON A TREATMENT TEAM FOR A MINOR**
19 **THAT IS HEADED BY A PHYSICIAN, THE PHYSICIAN HEADING THE TREATMENT**
20 **TEAM SHALL DECIDE WHETHER A PARENT, GUARDIAN, OR CUSTODIAN OF THE**
21 **MINOR OR THE SPOUSE OF THE PARENT SHOULD RECEIVE INFORMATION ABOUT**
22 **TREATMENT NEEDED BY THE MINOR OR PROVIDED TO THE MINOR UNDER THIS**
23 **SECTION.**

24 (c) Unless the parent, guardian, or custodian of a minor consents to
25 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian
26 is not liable for any costs of the consultation, diagnosis, or treatment of the minor
27 under this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2007.