

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 262
Finance

(Senators Klausmeier and Della)

Health and Government Operations

Consent Provisions - Minors - Mental or Emotional Disorder

This bill authorizes a psychologist, or medical staff of a hospital or public clinic under the psychologist's advice or direction, to give a parent, guardian, or custodian of a minor or the spouse of the parent, information about treatment for a mental or emotional disorder the minor needs or was provided. This information may be provided without the minor's consent or over the minor's express objection.

If a psychologist is on a treatment team for a minor that is headed by a physician, the physician must decide whether the minor's parent, guardian, or custodian or the parent's spouse should receive information about the minor's needed treatment.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A minor who is 16 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. The capacity to consent does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which the minor's parent, guardian, or custodian has given consent.

Without the 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 parent's spouse information about treatment the minor needs or was provided.

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 to 6.6 million children and youth, have a serious emotional disturbance.

Additional Information

Prior Introductions: An identical bill, SB 381 of 2006, was passed by the Senate and had a hearing in the House Health and Government Operations Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; Maryland Insurance Administration; *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 - February 11, 2007
bfl/jr Revised - Senate Third Reader - March 23, 2007

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510