
By: **Delegate Klausmeier**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health - Minors - Providers and Consent Provisions**

3 FOR the purpose of providing that a minor has the same capacity as an adult to
4 consent to certain medical treatment by a psychologist under certain
5 circumstances; providing a limited immunity under certain circumstances for a
6 psychologist who treats a minor; providing that a psychologist may, but need
7 not, provide certain information to certain individuals; providing that a minor
8 who is at least a certain age has the capacity to consent to treatment by a
9 psychologist for certain medical purposes; providing that the capacity to consent
10 does not include the capacity to refuse certain medical treatment by a
11 psychologist under certain circumstances; and generally relating to consent
12 provisions for treatment of a minor by a psychologist for certain medical
13 purposes.

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 20-102 and 20-104
17 Annotated Code of Maryland
18 (2000 Replacement Volume)

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

21 **Article - Health - General**

22 20-102.

23 (a) A minor has the same capacity as an adult to consent to medical treatment
24 if the minor:

25 (1) Is married; or

26 (2) Is the parent of a child.

27 (b) A minor has the same capacity as an adult to consent to medical treatment
28 if, in the judgment of the attending physician OR A PSYCHOLOGIST FOR TREATMENT

1 SPECIFIED UNDER SUBSECTION (C)(1) AND (2) OF THIS SECTION, the life or health of
2 the minor would be affected adversely by delaying treatment to obtain the consent of
3 another individual.

4 (c) A minor has the same capacity as an adult to consent to:

5 (1) Treatment for or advice about drug abuse;

6 (2) Treatment for or advice about alcoholism;

7 (3) Treatment for or advice about venereal disease;

8 (4) Treatment for or advice about pregnancy;

9 (5) Treatment for or advice about contraception other than sterilization;

10 (6) Physical examination and treatment of injuries from an alleged rape
11 or sexual offense;

12 (7) Physical examination to obtain evidence of an alleged rape or sexual
13 offense; and

14 (8) Initial medical screening and physical examination on and after
15 admission of the minor into a detention center.

16 (c-1) The capacity of a minor to consent to treatment for drug abuse or
17 alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to
18 refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse
19 treatment program certified under Title 8 of this article for which a parent or
20 guardian has given consent.

21 (d) A physician, PSYCHOLOGIST, or an individual under the direction of a
22 physician OR PSYCHOLOGIST who treats a minor is not liable for civil damages or
23 subject to any criminal or disciplinary penalty solely because the minor did not have
24 capacity to consent under this section.

25 (e) Without the consent of or over the express objection of a minor, the
26 attending physician, PSYCHOLOGIST or, on advice or direction of the attending
27 physician OR PSYCHOLOGIST, a member of the medical staff of a hospital or public
28 clinic may, but need not, give a parent, guardian, or custodian of the minor or the
29 spouse of the parent information about treatment needed by the minor or provided to
30 the minor under this section, except information about an abortion.

31 20-104.

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

35 (2) The capacity of a minor to consent to consultation, diagnosis, and
36 treatment of a mental or emotional disorder by a physician, PSYCHOLOGIST, or a

1 clinic under paragraph (1) of this subsection does not include the capacity to refuse
2 consultation, diagnosis, or treatment for a mental or emotional disorder for which a
3 parent, guardian, or custodian of the minor has given consent.

4 (b) Without the consent of or over the express objection of a minor, the
5 attending physician or, on advice or direction of the attending physician, a member of
6 the medical staff of a hospital or public clinic may, but need not, give a parent,
7 guardian, or custodian of the minor or the spouse of the parent information about
8 treatment needed by the minor or provided to the minor under this section.

9 (c) Unless the parent, guardian, or custodian of a minor consents to
10 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian
11 is not liable for any costs of the consultation, diagnosis, or treatment of the minor
12 under this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2001.