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2001 Regular Session
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D. D.L. (W.)

By: Delegate Klausmeier

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

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## A BILL ENTITLED

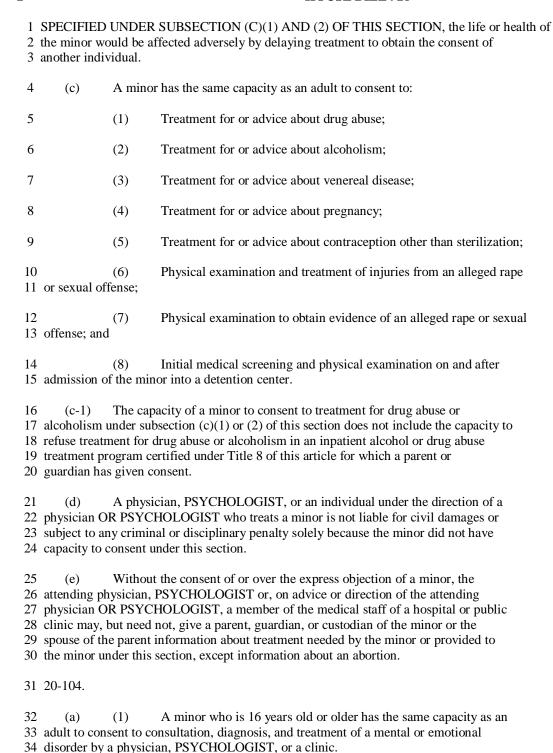
1 AN ACT concerning

## 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
- does not include the capacity to refuse certain medical treatment by a
- 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

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.