

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Revised

House Bill 928 (Delegate Klausmeier)

Environmental Matters

Economic and Environmental Affairs

Mental Health - Minors - Providers and Consent Provisions

This bill provides that a minor has the same capacity as an adult to consent to psychological treatment if, in the judgment of the attending physician or psychologist, the life or health of the minor would be adversely affected by delaying treatment to obtain the consent of another individual.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill also grants immunity from civil damages or criminal or disciplinary penalties to a psychologist, or someone under the psychologist's direction, solely because the minor did not have capacity to consent to treatment.

A minor who is 16 years old or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a psychologist, but does not have the capacity to refuse such treatment for which a parent, guardian, or custodian of the minor has given consent.

A psychologist or a member of the medical staff upon the direction of a psychologist may, but need not, give a parent, guardian, or custodian of a minor or the spouse of the parent information about treatment needed by the minor or provided to the minor, except for information about an abortion.

Current Law: The provisions set forth in this bill currently apply to physicians, and in some instances to clinics.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader – March 5, 2001
jm/jr Revised – House Third Reader – March 22, 2001

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