

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 799

(Senator Klausmeier)

Education, Health, and Environmental Affairs

Health and Government Operations

Consent Provisions - Minors - Mental or Emotional Disorder

This bill authorizes a psychologist to give a parent, guardian, or custodian of a minor, or the spouse of the parent, information about the treatment needed by or provided to the minor for a mental or emotional disorder.

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 or older 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. This does not include the capacity to refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent.

Without 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 spouse of the parent information about treatment needed by or provided to the minor for a mental or emotional disorder.

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

Additional Information

Prior Introductions: None.

Cross File: HB 795 (Delegate Hammen) – Health and Government Operations.

Information Source(s): Department of Health and Mental Hygiene; *Fast 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 - March 10, 2005
n/jr

Analysis by: Lisa A. Daigle

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