
By: **Senators Klausmeier, Dyson, and Hollinger**
Introduced and read first time: January 31, 2006
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Consent Provisions - Minors - Mental or Emotional Disorder**

3 FOR the purpose of authorizing psychologists to give certain individuals information,
4 without the consent of or over the express objection of a minor, about treatment
5 of a mental or emotional disorder needed by a minor or provided to a minor
6 under certain circumstances; authorizing certain individuals, on advice or
7 direction of a psychologist, to give certain individuals information, without the
8 consent of or over the express objection of a minor, about treatment of a mental
9 or emotional disorder needed by a minor or provided to a minor under certain
10 circumstances; and generally relating to the disclosure of information about the
11 treatment of a mental or emotional disorder of a minor.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 20-104
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2005 Supplement)

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

19 **Article - Health - General**

20 20-104.

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

24 (2) The capacity of a minor to consent to consultation, diagnosis, and
25 treatment of a mental or emotional disorder by a physician, psychologist, or a clinic
26 under paragraph (1) of this subsection does not include the capacity to refuse
27 consultation, diagnosis, or treatment for a mental or emotional disorder for which a
28 parent, guardian, or custodian of the minor has given consent.

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2006.