

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 381

(Senator Klausmeier, *et al.*)

Education, Health, and Environmental Affairs

Health and Government
Operations

Consent Provisions - Minors - Mental or Emotional Disorder

This bill authorizes an attending psychologist, or medical staff of a hospital or public clinic under the psychologist's advice or direction, to give a parent, guardian, or custodian of a minor or the spouse of the parent, information about treatment for a mental or emotional disorder the minor needs or was provided. This information may be provided without the minor's consent or over the minor's express objection.

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

Without the 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 parent's spouse information about treatment the minor needs or was provided.

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: A similar bill, SB 799 of 2005, passed in the Senate and had a hearing in the Health and Government Operations Committee. No further action was taken. Its cross file, HB 795, had a hearing in the Health and Government Operations Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; *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 - February 9, 2006
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