

SENATE BILL 262

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SB 381/06 – EHE

71r1775

By: **Senators Klausmeier and Della**
Introduced and read first time: January 29, 2007
Assigned to: Finance

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 2006 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

9 (b) Without the consent of or over the express objection of a minor, the
10 attending physician, **THE PSYCHOLOGIST**, or, on advice or direction of the attending
11 physician **OR THE PSYCHOLOGIST**, a member of the medical staff of a hospital or
12 public clinic may, but need not, give a parent, guardian, or custodian of the minor or
13 the spouse of the parent information about treatment needed by the minor or provided
14 to the minor under this section.

15 (c) Unless the parent, guardian, or custodian of a minor consents to
16 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian
17 is not liable for any costs of the consultation, diagnosis, or treatment of the minor
18 under this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2007.