

## **CHAPTER 140**

**(Senate Bill 262)**

AN ACT concerning

### **Consent Provisions – Minors – Mental or Emotional Disorder**

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

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 20–104  
Annotated Code of Maryland  
(2005 Replacement Volume and 2006 Supplement)

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

#### **Article – Health – General**

20–104.

(a) (1) 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 physician, psychologist, or a clinic.

(2) The capacity of a minor to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a physician, psychologist, or a clinic under paragraph (1) of this subsection 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.

(b) ~~(1) Without~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHOUT** the consent of or over the express objection of a minor, the attending physician, **THE PSYCHOLOGIST**, or, on advice or direction of the attending physician **OR THE PSYCHOLOGIST**, 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 the minor or provided to the minor under this section.

**(2) IF A PSYCHOLOGIST IS ON A TREATMENT TEAM FOR A MINOR THAT IS HEADED BY A PHYSICIAN, THE PHYSICIAN HEADING THE TREATMENT TEAM SHALL DECIDE WHETHER A PARENT, GUARDIAN, OR CUSTODIAN OF THE MINOR OR THE SPOUSE OF THE PARENT SHOULD RECEIVE INFORMATION ABOUT TREATMENT NEEDED BY THE MINOR OR PROVIDED TO THE MINOR UNDER THIS SECTION.**

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

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

**Approved by the Governor, April 24, 2007.**