

HOUSE BILL 68

J1, J2

2lr0303
CF SB 72

By: **Delegates Rosenberg and Hubbard**

Introduced and read first time: January 16, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Treatment – Youth – Registered Nurses, Physician Assistants, and**
3 **Licensed Clinical Social Workers**

4 FOR the purpose of providing that a minor has the same capacity as an adult to
5 consent to medical treatment if a registered nurse, physician assistant, or
6 licensed clinical social worker makes a certain determination; providing that a
7 registered nurse, physician assistant, or licensed clinical social worker, or an
8 individual under the direction of a registered nurse, physician assistant, or
9 licensed clinical social worker who treats a minor is not liable for civil damages
10 or subject to certain penalties under certain circumstances; authorizing a
11 registered nurse, physician assistant, or licensed clinical social worker to give
12 certain information to certain individuals; authorizing a registered nurse,
13 physician assistant, or licensed clinical social worker to advise or direct certain
14 medical staff to give certain information to certain individuals; and generally
15 relating to medical treatment of minors.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 20–102
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

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

23 **Article – Health – General**

24 20–102.

25 (a) A minor has the same capacity as an adult to consent to medical
26 treatment if the minor:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Is married; or

2 (2) Is the parent of a child.

3 (b) A minor has the same capacity as an adult to consent to medical
4 treatment if, in the judgment of the attending physician, **REGISTERED NURSE,**
5 **PHYSICIAN ASSISTANT, OR LICENSED CLINICAL SOCIAL WORKER,** the life or
6 health of the minor would be affected adversely by delaying treatment to obtain the
7 consent of another individual.

8 (c) A minor has the same capacity as an adult to consent to:

9 (1) Treatment for or advice about drug abuse;

10 (2) Treatment for or advice about alcoholism;

11 (3) Treatment for or advice about venereal disease;

12 (4) Treatment for or advice about pregnancy;

13 (5) Treatment for or advice about contraception other than
14 sterilization;

15 (6) Physical examination and treatment of injuries from an alleged
16 rape or sexual offense;

17 (7) Physical examination to obtain evidence of an alleged rape or
18 sexual offense; and

19 (8) Initial medical screening and physical examination on and after
20 admission of the minor into a detention center.

21 (c-1) The capacity of a minor to consent to treatment for drug abuse or
22 alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to
23 refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse
24 treatment program certified under Title 8 of this article for which a parent or guardian
25 has given consent.

26 (d) A minor has the same capacity as an adult to consent to psychological
27 treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment
28 of the attending physician or a psychologist, the life or health of the minor would be
29 affected adversely by delaying treatment to obtain the consent of another individual.

30 (e) A physician, psychologist, **REGISTERED NURSE, PHYSICIAN**
31 **ASSISTANT, LICENSED CLINICAL SOCIAL WORKER,** or an individual under the
32 direction of a physician [or], psychologist, **REGISTERED NURSE, PHYSICIAN**

1 **ASSISTANT, OR LICENSED CLINICAL SOCIAL WORKER** who treats a minor is not
2 liable for civil damages or subject to any criminal or disciplinary penalty solely
3 because the minor did not have capacity to consent under this section.

4 (f) Without the consent of or over the express objection of a minor, the
5 attending physician, psychologist, **REGISTERED NURSE, PHYSICIAN ASSISTANT, OR**
6 **LICENSED CLINICAL SOCIAL WORKER**, or, on advice or direction of the attending
7 physician [or], psychologist, **REGISTERED NURSE, PHYSICIAN ASSISTANT, OR**
8 **LICENSED CLINICAL SOCIAL WORKER**, a member of the medical staff of a hospital or
9 public clinic may, but need not, give a parent, guardian, or custodian of the minor or
10 the spouse of the parent information about treatment needed by the minor or provided
11 to the minor under this section, except information about an abortion.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.