

Chapter 170

(Senate Bill 72)

AN ACT concerning

Medical and Dental Treatment – ~~Youth – Registered Nurses and Physician Assistants~~ Consent by Minors and Protections for Licensed Health Care Practitioners

FOR the purpose of providing that a minor has the same capacity as an adult to consent to ~~medical~~ medical dental treatment if ~~a registered nurse or physician assistant makes a certain determination~~ the minor is married or is the parent of a child; providing that a minor has the same capacity as an adult to consent to medical or dental treatment if the minor is living separate and apart from the minor's parent, parents, or guardian and is self-supporting; providing that a registered nurse, physician assistant, or an individual under the direction of a registered nurse or physician assistant licensed health care practitioner who treats a minor is not liable for civil damages or subject to certain penalties under certain circumstances; authorizing a registered nurse or physician assistant licensed health care practitioner to give certain information to certain individuals; authorizing a registered nurse or physician assistant to advise or direct certain medical staff to give certain information to certain individuals; and generally relating to medical or dental treatment of minors.

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 20–102(a), (e), and (f)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

Article – Health – General

20–102.

(a) A minor has the same capacity as an adult to consent to medical **OR DENTAL** treatment if the minor:

- (1) Is married; ~~or~~
- (2) Is the parent of a child; **OR**

(3) (I) IS LIVING SEPARATE AND APART FROM THE MINOR'S PARENT, PARENTS, OR GUARDIAN, WHETHER WITH OR WITHOUT CONSENT OF THE MINOR'S PARENT, PARENTS, OR GUARDIAN; AND

(II) IS SELF-SUPPORTING, REGARDLESS OF THE SOURCE OF THE MINOR'S INCOME.

~~(b) A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, REGISTERED NURSE, OR PHYSICIAN ASSISTANT, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.~~

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

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

~~(2) Treatment for or advice about alcoholism;~~

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

~~(4) Treatment for or advice about pregnancy;~~

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

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

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

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

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

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

(e) A ~~physician, psychologist, REGISTERED NURSE, PHYSICIAN ASSISTANT,~~ or an individual under the direction of a physician ~~[or], psychologist, REGISTERED NURSE, OR PHYSICIAN ASSISTANT~~ LICENSED HEALTH CARE PRACTITIONER who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent under this section.

(f) Without the consent of or over the express objection of a minor, ~~the attending physician, psychologist, REGISTERED NURSE, PHYSICIAN ASSISTANT, or, on advice or direction of the attending physician [or], psychologist, REGISTERED NURSE, OR PHYSICIAN ASSISTANT,~~ a member of the medical staff of a hospital or ~~public clinic~~ A LICENSED HEALTH CARE PRACTITIONER 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, except information about an abortion.

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

Approved by the Governor, May 2, 2012.