

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 68 (Delegates Rosenberg and Hubbard)
Health and Government Operations

**Medical Treatment - Youth - Registered Nurses, Physician Assistants, and
Licensed Clinical Social Workers**

This bill extends to registered nurses, physician assistants, and licensed clinical social workers the authority to determine that a minor has the capacity to consent to medical treatment because the life or health of the minor would be adversely affected by delaying treatment to obtain consent from another individual. The bill also extends freedom from liability – in specified circumstances in which a minor does not have capacity to consent to medical treatment – to registered nurses, physician assistants, licensed clinical social workers, and individuals under the direction of registered nurses, physician assistants, and licensed clinical social workers. In addition, the bill authorizes registered nurses, physician assistants, licensed clinical social workers, and individuals under the direction of registered nurses, physician assistants, and licensed clinical social workers to provide specified information regarding a minor’s medical treatment to the minor’s parent, step-parent, guardian, or custodian.

Fiscal Summary

State Effect: The bill does not directly affect governmental finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, a minor has the same capacity as an adult to consent to medical treatment if the minor is either married or the parent of a

child. In addition, a minor has the same capacity as an adult to consent to (1) treatment for or advice about venereal disease, pregnancy, contraception other than sterilization, and (in general) drug abuse and alcoholism; (2) physical examination and treatment of injuries from, or to obtain evidence of, an alleged rape or sexual offense; and (3) initial medical screening and physical examination on and after admission of the minor into a detention center.

A minor also has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by a delay of treatment to obtain another individual's consent. The bill extends the authority to make this determination to registered nurses, physician assistants, and licensed clinical social workers.

Under current law, a physician or psychologist (or an individual under the direction of a physician or psychologist) who treats a minor is generally not liable to civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent. The bill extends this freedom from liability to registered nurses, physician assistants, licensed clinical social workers, and individuals under the direction of registered nurses, physician assistants, and licensed clinical social workers.

Current law states that, without the consent of or over the express objection of a minor, the attending physician, psychologist, or – on advice or direction of the attending physician or psychologist – a medical staff member of a hospital or public clinic is authorized (but not required) to give certain information regarding treatment (except for information about an abortion) to a minor's parent, step-parent, guardian, or custodian. The bill extends this authority to registered nurses, physician assistants, licensed social workers, and individuals under the direction of registered nurses, physician assistants, and licensed clinical social workers.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 72 (Senator Kelley – Finance) is not identical.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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ncs/mwc

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