

HOUSE BILL 662

J1, J2

5lr2228
CF SB 157

By: **Delegates Cullison and Reznik**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Consultation, Diagnosis, and Treatment of Mental and Emotional Disorders –**
3 **Consent by Minors**

4 FOR the purpose of altering the health care providers who provide consultation, diagnosis,
5 and treatment of a mental or emotional disorder to which certain minors have the
6 same capacity as an adult to consent; providing that the capacity to consent does not
7 include the capacity to refuse consultation, diagnosis, or treatment for a mental or
8 emotional disorder by certain health care providers for which a certain individual
9 has given consent; authorizing, except under certain circumstances, certain health
10 care providers to give certain individuals information about treatment needed by or
11 provided to a minor under a certain provision of this Act; defining a certain term;
12 and generally relating to the consent of minors to consultation, diagnosis, and
13 treatment of mental and emotional disorders.

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 20–104
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2014 Supplement)

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

21 **Article – Health – General**

22 20–104.

23 **(A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL**
24 **WHO IS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE;**

2 **(2) PRACTICING WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE.**

3 **[(a)] (B)** (1) A minor who is 16 years old or older has the same capacity as an
4 adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder
5 by a **[physician, psychologist,] HEALTH CARE PROVIDER** or a clinic.

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

11 **[(b)] (C)** (1) Except as provided in paragraph (2) of this subsection, without
12 the consent of or over the express objection of a minor, the **[attending physician, the**
13 **psychologist,] HEALTH CARE PROVIDER** or, on advice or direction of the **[attending**
14 **physician or the psychologist] HEALTH CARE PROVIDER**, a member of the medical staff of
15 a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the
16 minor or the spouse of the parent information about treatment needed by the minor or
17 provided to the minor under this section.

18 (2) If a **[psychologist] HEALTH CARE PROVIDER** is on a treatment team
19 for a minor that is headed by a physician, the physician heading the treatment team shall
20 decide whether a parent, guardian, or custodian of the minor or the spouse of the parent
21 should receive information about treatment needed by the minor or provided to the minor
22 under this section.

23 **[(c)] (D)** Unless the parent, guardian, or custodian of a minor consents to
24 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian is not
25 liable for any costs of the consultation, diagnosis, or treatment of the minor under this
26 section.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2015.