

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1224
(Delegate Miller)

Health and Government Operations and
Ways and Means

Public Schools - Medical and Psychological Treatment in School-Based Health Centers and Public Schools - Parental Notice

This bill requires a school health practitioner, health care practitioner, or certified school psychologist employed by or under a contract with a school-based health center (SBHC), local school system, or local health department (LHD) to provide school health services at a public school to provide a student's parent or guardian information about any consultation, diagnosis, or treatment provided to the student. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Health care practitioners in SBHCs, local school systems, and LHDs can provide the required notice with existing budgeted resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: With the assistance of the LHD, each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. The Maryland State Department of Education (MSDE) and the Maryland Department of Health must jointly develop public standards and guidelines for school health programs and assist local boards of education and LHDs in their implementation.

Under Maryland regulations (COMAR 13A.05.05), each local school board must provide a coordinated program of pupil services for all students, which must include school counseling, pupil personnel services, school psychology, and health services. The pupil services program must focus on the health, personal, interpersonal, academic, and career development of students.

School-based Health Centers

SBHCs are health centers located in a school or on a school campus that provide on-site comprehensive preventive and primary health services. Services may also include behavioral health, oral health, ancillary, and supportive services.

Minor's Capacity to Consent to Mental Health and Medical Treatment

Chapter 743 of 2021 lowered the age for a minor to give informed consent in certain situations. Specifically, a minor who is at least age 12 and is determined by a health care provider to be mature and capable of giving informed consent has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by the health care provider or a clinic. However, except as otherwise provided, a minor younger than age 16 may not consent to the use of prescription medications to treat a mental or emotional disorder. A health care provider may decide to provide specified information to a parent, guardian, or custodian of a minor unless the health care provider believes that the disclosure will lead to harm to the minor or deter the minor from seeking care.

Except under certain circumstances, without the consent of or over the express objection of a minor, the health care provider or, on advice or direction of the health care provider, 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.

Additional Comments: MSDE and the Maryland Association of County Health Officers both advise that the bill may conflict with current law governing a minor's ability to give informed consent for care.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

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km/jc

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