

Oppose

HB782-Minor Consent to Mental Health Treatment

Megan Montgomery

Love Maryland PAC

Good Afternoon Delegates,

I submit this written testimony in opposition to HB782 on behalf of the Love Maryland PAC. The Love Maryland PAC is an organization that works to support medical autonomy, religious freedom and parental rights in the state of Maryland.

The PAC strongly opposes this bill. Minors are not capable of making medical decisions, including mental health decisions. While we appreciate that there has been an amendment to remove the possibility of children consenting to prescriptions drugs, we still believe that this bill has the ability to seriously harm minors in the state of Maryland.

I had the opportunity to speak at length with the bills sponsor, and we very much agreed that we both have the best interests of minor children at heart. However, Delegate Bagnall responded to my comments that minors are already able to access mental health treatment outside of their parents prevue in schools, and that every school has a counselor who's sole job is to engage with the student body and meet them where they are with repeatedly stating that this bill was not about schools, and that we shouldn't be talking about the schools. I wholeheartedly disagree.

This bill has no minimum age. I can not imagine where else besides school a 5-year-old would be outside of the care of their parents. And even at 5- every child in the state has access to a school counselor outside of their parents control and consent. They can spend as much time as necessary with the counselor, talk about anything they need to talk about and get direction as to how to proceed with any of their worries or concerns. If a child is in need of mental health services, including suicide prevention, that is ALL THE MORE REASON parents MUST be involved in the conversation. Delegate Bagnall indicated that she was not intending to put in a budget request from the state nor did she intend to mandate that parents pay for services for their minor children that they are not aware of. So, who will be paying for all of this? Where will the money come from?

The state already funds counselors in school and there are a wide variety of 1-800 numbers dedicated to emergency mental health intervention. Surely these resources can and should be the first resources available to children in need of mental health support that somehow cannot include their parents. At

the bottom of this testimony is the newsletter sent out by Montgomery County Councilman Andrew Friedson stating that Montgomery County is dedicating an additional \$164,679 to fund 6 additional school nurses, as nurses are often the first point of contact for a student with mental health needs. He then goes on to state that Montgomery County is also continuing to support EveryMind, operating both text and phone lines, for students with mental health needs. All of these resources are already being deployed- what is the need for this bill?

I can not imagine how, in practice, a 5 year old will: 1- decide they need mental health counseling; 2- outside of school and without their parents knowledge and consent; 3- they will find a therapist on their own; 4- that accepts their parents insurance or that is willing to treat them pro-bono; 5- they will get themselves to these appointments without their parents or the school knowing where they are for large chunks of time every week; 6- and once they get a diagnosis from this mental health provider they will manage that diagnosis without their parents involvement. This scenario seems so implausible it truly borders on absurd.

Minors under the age of 16 cannot consent. They can not consent to contracts, they cannot consent to sex, they cannot consent on their own behalf to taking a cough drop in school. They can not therefore be allowed to consent to mental health services outside the purview of their parents.

Mental health care is a serious thing. A diagnosis can follow a child for their whole life. If a child were to be misdiagnosed with something like schizophrenia- how could it possibly be in the best interest of the child to expect them to walk that road alone? And what happens if that child needs medication? Is the parent going to then be expected to come on the scene and start filling prescriptions for drugs for a diagnosis they know nothing about? What if the therapist decided that the child was a danger to self or others and needed to be committed- how could that possibly be done without the parents knowing what was going on with their child? Who would decide which facility to seek out for treatment? What if it was outside a parents health insurance network? Who would pay for that stay? And what if a parent was already working with child's doctor and their minor child on the child's mental health? What if the child sought out a therapist that gave a contradictory diagnosis to the pediatrician?

And speaking of the parents, what happens if the parent is finally brought into the conversation and disagrees with the diagnosis? Or wishes to get a second opinion for a diagnosis for which medication is the preferred method of treatment? Are we opening these parents up to the possibility of persecution for medical neglect? Will CPS be able to come and remove these children and force medicate them for these self-selected and potentially contradictory diagnosis?

It is for these reasons above that the Love Maryland PAC strongly opposes this bill. Minors in law and in fact simply do not have the mental capacity to consent to any mental health care diagnosis or treatment

outside of the parental relationship. We urge you to vote against the passage of this bill. Thank you for your time.

From Montgomery County Councilman Andrew Freidman's e-newsletter on February 20th:

Supporting the Growing Mental Health Needs of Our Youth

We are increasingly concerned about our children's mental health with one in five youth suffering from a diagnosable mental, emotional, or behavioral disorder. Recognizing how these issues affect not only a child's performance in school but also their relationships and outlook on their future, the importance of early and swift intervention can not be overstated.

Last month, the Council voted to support \$164,279 to the school system to help fund six additional School Community Health Nurses. These new positions will allow for a dedicated nurse at every County high school and further reduce nurse-to-student ratios to better support our students. As school nurses are often the first point of contact for a student in terms of health needs, including mental health issues, we are glad that we were able to make this change to improve our services to our youth, and to better support and retain our front line staff.

Just as important, if children want to reach out anonymously outside of the school system, EveryMind currently is on the front lines operating a text and chat line as well as a phone line. Last year, I worked with Councilmember Jawando to include money in the budget to expand the hours of EveryMind's text and chat line to reach our youth at night when they are likely to be most isolated and vulnerable. This year we are working together again with Council colleagues to fight for funding both to expand this text and chat line and to help EveryMind to dramatically reduce their missed call rate to functional zero. We know that mental health crisis services are needed around the clock and whether it is a call or a text, we cannot afford to miss these calls for help. Lives literally depend on it.