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TO: The Honorable Shane E. Pendergrass, Chair
Members, House Health and Government Operations Committee
The Honorable Heather Bagnall

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Richard A. Tabuteau

DATE: February 26, 2020

RE: **SUPPORT WITH AMENDMENT** – House Bill 782 – *Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)*

On behalf of the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American Academy of Pediatrics (MDAAP), we submit this letter of **support with amendment** for House Bill 782.

House Bill 782 amends current law with respect to a minor's authority to consent to mental health services. Current law limits the authority to consent to minors age 16 and older. House Bill 782 removes the age restriction so that all minors have the authority to consent to critical mental health services. Minor consent for health care services has generally been granted for services that a minor may be ashamed, scared, or otherwise unlikely to discuss with a parent or guardian. In addition to mental health services it includes substance use, sexually transmitted diseases, and other similarly challenging health care needs. With respect to mental health services, the parent or guardian may be the basis for the mental health challenges faced by the minor. A minor's need for mental health services that he/she is not able to access without involving the parent or guardian should not be age dependent and House Bill 782 acknowledges that fact.

It should be noted that even when a minor is authorized to consent to care, a health care provider has the authority to determine whether or not the minor has the capacity to understand what is being consented to and the implications of consent. Further, even if a minor consents to care, a health care provider has the authority to discuss the care with the parent or guardian if the provider believes it is in the best interest of the child.

With respect to mental health services, while a minor should be allowed to consent to mental health services, the minor should not have the right to consent to medication treatment for a mental health disorder. Medication management is often complex, and a minor may not have the capacity to manage medications. Furthermore, there may be side effects or other responses to the medication that should be managed/monitored by the minor's parent or guardian. To that end, House Bill 782 should be amended to exempt medication from a minor's right to consent to mental health services. With the noted amendment, a favorable report is requested.

For more information call:

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