



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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### Board of Social Work Examiners

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### 2020 SESSION POSITION PAPER

**BILL NO: HB 782**

**COMMITTEE: Health and Government Operations**

**POSITION: Support with attached Amendment (SWA)**

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**TITLE: Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)**

**BILL ANALYSIS:** The purpose of this bill provides that all minors have the capacity as an adult to consent to consultation, diagnosis, and treatment of a mental and emotional disorder by a health care provider or clinic. A health care provider may decide to provide information to a parent, guardian, or custodian of a minor unless the health care provider believes the disclosure will lead to harm to the minor or deter the minor from seeking care.

**POSITION AND RATIONALE:** The Maryland Board of Social Work Examiners (“Board”) supports the bill with the attached Board-approved amendment.

The Board believes there are situations where the process of consent by the minor is very important. However, due to the concerns of determining who is too young to have the same capacity as an adult to provide their own consent, the Board feels it’s important that the current standard of a minor being defined as someone who is 16 years or older should remain.

The Board’s proposed amendment to HB 782 is listed at the end of this position paper on page two. The Board respectfully requests a favorable report on HB 782 with the requested amendment.

For more information, please contact the Board’s Executive Director, Dr. Stanley Weinstein at 410-764-4722 or [stanley.weinstein@maryland.gov](mailto:stanley.weinstein@maryland.gov).

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*

## **Amendment**

On page 2, line 1, strike the brackets:

(b) (1) A minor ~~[who is 16 years old or older]~~ has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a health care provider or a clinic.