

Education Advocacy Coalition

for Students with Disabilities

HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE

House Bill 65: Public Schools – Medical and Psychological Treatment in School–Based Health Centers and Public Schools – Parental Notice

Date: March 13, 2024

POSITION: OPPOSE

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 40 organizations and individuals concerned with education policy for students with disabilities in Maryland, provides this testimony in opposition of HB65 which would eliminate confidentiality for students and hinder their receipt of important mental or emotional health services.

Many students with Individualized Education Programs (IEPs) receive psychological and other health services as a part of their supplementary aids and services. Allowing parents access to any consultation, diagnosis or treatment provided to the student may cause students with disabilities to be less likely to divulge important information to their school health care providers as they will not feel protected or free to speak. The benefit of confidential services is that students can discuss issues they are having that they would not feel comfortable with or are scared to talk to their family members about. For this reason, medical societies focused on adolescent healthcare strongly recommend confidential care.¹ Maryland's Health Code recognizes the importance of mature and capable adolescents being able to expect some privacy in certain healthcare settings. See *e.g.* Md. Code Ann., Health–Gen. § 20-104, which allows minors 12 years old and older, who are determined by their health care provider to be mature and capable, to consent to their own consultation, diagnosis, and treatment of a mental or emotional disorder, and allows providers to decide not to provide information to parents, guardians, or custodians if “the health care provider believes that the disclosure will lead to harm to the minor or deter the minor from seeking care. This bill, which states that school health professionals “shall provide” this information, directly contradicts Maryland law.

HB 65 is overly broad and vague: it mandates that school health practitioners, health care providers, or certified school psychologists employed by, or under contract with, a school-based health center, or local health department to provide school health services at a school give information to parents about *any* consultation, diagnosis or treatment provided to a student. Given the language of the proposed bill, there is no apparent limit of what must be disclosed to parents; this could put many children, especially those with dangerous home situations, at risk for seeking help at school.

By mandating that school health professionals divulge information to students' parents, this bill will disproportionately impact students with disabilities, and discourage all students from seeking professional help at school, to the detriment of the individual students and the broader school community. For these reasons, the EAC opposes HB 65.

¹ See Ancker JS, Sharko M, Hong M, Mitchell H, Wilcox L. Should parents see their teen's medical record? Asking about the effect on adolescent-doctor communication changes attitudes. *J Am Med Inform Assoc.* 2018 (citing Blythe MJ, Del Beccaro MA.. Standards for health information technology to ensure adolescent privacy. *Pediatrics* 2012; 130 (5): 987–90.)

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Respectfully submitted,

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