



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 13, 2024

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

### **RE: House Bill 65 – Public Schools - Medical and Psychological Treatment in School-Based Health Centers and Public Schools - Parental Notice – Letter of Opposition**

Dear Chairs Peña-Melnyk and Committee members:

The Maryland Department of Health (Department) respectfully submits this letter of opposition for House Bill (HB) 65 – Public Schools - Medical and Psychological Treatment in School-Based Health Centers and Public Schools - Parental Notice. Under HB 65, a school health practitioner, health care practitioner, or certified school psychologist employed to provide school health services at a public school is required to provide a student's parent or guardian information about any consultation, diagnosis, or treatment provided to the student.

HB 65 conflicts with existing Maryland law. Currently, Health - General Article §20-102 defines situations where a minor has the same capacity as an adult to consent to medical treatment.<sup>1</sup> In these instances, while the health care practitioner *may* share information about the treatment with the minor's parent or guardian, they are not *required* to do so. Moreover, Health - General Article §20-104 expands the protections of minor consent to those 12 years old or older who are determined by a health care provider to be mature and capable of giving informed consent.<sup>2</sup>

Additionally, the bill's mandate for school health practitioners, health care practitioners, or certified school psychologists to provide a student's parent or guardian information about any consultation, diagnosis, or treatment has the potential to put that student in harm's way. For example, in the instance where a student seeks treatment resulting from sexual abuse inflicted by a parent or guardian, the mandated notification could potentially cause more harm to the student. For these reasons, the Department opposes HB 65.

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<sup>1</sup> [Laws - Statute Text \(maryland.gov\)](https://mga.leg.maryland.gov/mgawebsite/Laws/StatuteText?article=ghg&section=20-102)

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<sup>2</sup> [Laws - Statute Text \(maryland.gov\)](https://mga.leg.maryland.gov/mgawebsite/Laws/StatuteText?article=ghg&section=20-104)

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If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", enclosed in a faint, light blue rectangular border.

Laura Herrera Scott, M.D., M.P.H.  
Secretary