

BILL: HB0065 Public Schools – Medical and Psychological Treatment in School-Based Health Centers and Public Schools – Parental Notice

DATE: March 13, 2024

SUBJECT: Letter of Information

COMMITTEE: Health and Government Operations

POSITION: Information only

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The Maryland State Department of Education (MSDE) provides this information for your consideration regarding House Bill (HB) 65 – *Public Schools – Medical and Psychological Treatment in School-Based Health Centers and Public Schools – Parental Notice*. HB 65 requires a school health practitioner, health care practitioner, or certified school psychologist employed by or under contract with a school-based health center, local education agency (LEA), or a local health department to provide school health services at a public school to provide information about any consultation, diagnosis, or treatment provided to the student to the student’s parent or guardian.

Minor Consent to Medical and Mental Health Treatment

The parent or guardian notification requirement in HB 65 may be in conflict with existing law in the Health Article under certain circumstances. Health Article §20-104 of the Maryland Annotated Code provides that the age of consent is 12 years for those seeking mental health treatment. A minor who is 12 years old or older who is determined by a health care provider to be mature and capable of giving informed consent has the same capacity as an adult to consent for consultation, diagnosis, and treatment of a mental or emotional disorder by the health care provider or a clinic. Without the consent of, or over the express objection of a minor, the health care provider, or on advice or direction of the health care provider, a member of the medical staff of a hospital or public clinic may, but need not, give a parent, guardian, or custodian of the minor or the spouse of the parent information about the treatment needed by the minor or provided to the minor.

Implementation

MSDE anticipates local school health services programs staffed by the local education agencies, local health departments, or one local hospital will be impacted. HB 65 requires school health services program staff to assist with parent communication regarding medical and psychological treatment in school-based health centers and public schools as proposed in the bill. Additionally, the local school health services programs in

collaboration with local school-based health centers may need to establish a policy in relation to the medical and psychosocial treatment proposed by this bill for students enrolled in local school-based health centers in public schools.

The Department asks that you consider this information in your deliberation of **HB 65**. If additional information is needed, please contact Akilah Alleyne, Ph.D., Executive Director of Governmental Affairs, at 410-767-0504, or akilah.alleyne@maryland.gov.