

# SENATE BILL 157

J1, J2

5r1719  
CF 5r2228

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By: **Senators Nathan–Pulliam, Klausmeier, Montgomery, and Pugh**

Introduced and read first time: January 29, 2015

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Consultation, Diagnosis, and Treatment of Mental and Emotional Disorders –**  
3 **Consent by Minors**

4 FOR the purpose of altering the list of health care providers who provide consultation,  
5 diagnosis, and treatment of a mental or emotional disorder to which certain minors  
6 have the same capacity as an adult to consent; providing that the capacity to consent  
7 does not include the capacity to refuse consultation, diagnosis, or treatment for a  
8 mental or emotional disorder by certain health care providers for which a certain  
9 individual has given consent; authorizing, except under certain circumstances,  
10 certain health care providers to give certain individuals information about treatment  
11 needed by or provided to a minor under a certain provision of this Act; and generally  
12 relating to the consent of minors to consultation, diagnosis, and treatment of mental  
13 and emotional disorders.

14 BY repealing and reenacting, with amendments,  
15 Article – Health – General  
16 Section 20–104  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2014 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Health – General**

22 20–104.

23 (a) (1) A minor who is 16 years old or older has the same capacity as an adult  
24 to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a  
25 physician, psychologist, **LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY**  
2 **THERAPIST**, or a clinic.

3 (2) The capacity of a minor to consent to consultation, diagnosis, and  
4 treatment of a mental or emotional disorder by a physician, psychologist, **LICENSED**  
5 **CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR,**  
6 **LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST**, or a clinic under paragraph  
7 (1) of this subsection does not include the capacity to refuse consultation, diagnosis, or  
8 treatment for a mental or emotional disorder for which a parent, guardian, or custodian of  
9 the minor has given consent.

10 (b) (1) Except as provided in paragraph (2) of this subsection, without the  
11 consent of or over the express objection of a minor, the attending physician, the  
12 psychologist, **LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL**  
13 **PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY**  
14 **THERAPIST**, or, on advice or direction of the attending physician [or], the psychologist,  
15 **LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL**  
16 **COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST**, a member of  
17 the medical staff of a hospital or public clinic may, but need not, give a parent, guardian,  
18 or custodian of the minor or the spouse of the parent information about treatment needed  
19 by the minor or provided to the minor under this section.

20 (2) If a psychologist, **LICENSED CERTIFIED SOCIAL WORKER, LICENSED**  
21 **CLINICAL PROFESSIONAL COUNSELOR, OR LICENSED CLINICAL MARRIAGE AND**  
22 **FAMILY THERAPIST**, is on a treatment team for a minor that is headed by a physician, the  
23 physician heading the treatment team shall decide whether a parent, guardian, or  
24 custodian of the minor or the spouse of the parent should receive information about  
25 treatment needed by the minor or provided to the minor under this section.

26 (c) Unless the parent, guardian, or custodian of a minor consents to consultation,  
27 diagnosis, or treatment of the minor, the parent, guardian, or custodian is not liable for any  
28 costs of the consultation, diagnosis, or treatment of the minor under this section.

29 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect  
30 October 1, 2015.