

# SENATE BILL 157

J1, J2

(5lr1719)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Nathan–Pulliam, Klausmeier, Montgomery, and Pugh**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

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; defining a  
12 certain term; and generally relating to the consent of minors to consultation,  
13 diagnosis, and treatment of mental and emotional disorders.

14 BY repealing and reenacting, with amendments,

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Health – General  
 2 Section 20–104  
 3 Annotated Code of Maryland  
 4 (2009 Replacement Volume and 2014 Supplement)

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

7 **Article – Health – General**

8 20–104.

9 **(A) IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL**  
 10 **WHO IS:**

11 **(1) LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND**

12 **(2) ~~PRACTICING~~ ACTING WITHIN THE SCOPE OF THE INDIVIDUAL’S**  
 13 **LICENSE TO DIAGNOSE AND TREAT MENTAL AND EMOTIONAL DISORDERS.**

14 ~~(a)~~ **(B)** (1) A minor who is 16 years old or older has the same capacity as an  
 15 adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder  
 16 by a ~~physician, psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED~~  
 17 ~~CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY~~  
 18 ~~THERAPIST, HEALTH CARE PROVIDER~~ or a clinic.

19 (2) The capacity of a minor to consent to consultation, diagnosis, and  
 20 treatment of a mental or emotional disorder by a ~~physician, psychologist, LICENSED~~  
 21 ~~CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR,~~  
 22 ~~LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST, HEALTH CARE PROVIDER~~  
 23 or a clinic under paragraph (1) of this subsection does not include the capacity to refuse  
 24 consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent,  
 25 guardian, or custodian of the minor has given consent.

26 ~~(b)~~ **(C)** (1) Except as provided in paragraph (2) of this subsection, without  
 27 the consent of or over the express objection of a minor, the ~~attending physician, the~~  
 28 ~~psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL~~  
 29 ~~PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY~~  
 30 ~~THERAPIST, HEALTH CARE PROVIDER~~ or, on advice or direction of the ~~attending~~  
 31 ~~physician [or], the psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED~~  
 32 ~~CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY~~  
 33 ~~THERAPIST HEALTH CARE PROVIDER~~, a member of the medical staff of a hospital or  
 34 public clinic may, but need not, give a parent, guardian, or custodian of the minor or the  
 35 spouse of the parent information about treatment needed by the minor or provided to the  
 36 minor under this section.

1           (2) If a psychologist, ~~LICENSED CERTIFIED SOCIAL WORKER, LICENSED~~  
 2 ~~CLINICAL PROFESSIONAL COUNSELOR, OR LICENSED CLINICAL MARRIAGE AND~~  
 3 ~~FAMILY THERAPIST,~~ **HEALTH CARE PROVIDER** is on a treatment team for a minor that  
 4 is headed by a physician, the physician heading the treatment team shall decide whether  
 5 a parent, guardian, or custodian of the minor or the spouse of the parent should receive  
 6 information about treatment needed by the minor or provided to the minor under this  
 7 section.

8           ~~(e)~~ **(D)** Unless the parent, guardian, or custodian of a minor consents to  
 9 consultation, diagnosis, or treatment of the minor, the parent, guardian, or custodian is not  
 10 liable for any costs of the consultation, diagnosis, or treatment of the minor under this  
 11 section.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.