

Chapter 327

(Senate Bill 157)

AN ACT concerning

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

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

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

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

Article – Health – General

20–104.

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

(1) LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE; AND

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

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

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

~~(b)~~ **(C)** (1) Except as provided in paragraph (2) of this subsection, without the consent of or over the express objection of a minor, the ~~attending physician, the psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST,~~ HEALTH CARE PROVIDER or, on advice or direction of the ~~attending physician~~ ~~[or], the psychologist, LICENSED CERTIFIED SOCIAL WORKER, LICENSED CLINICAL PROFESSIONAL COUNSELOR, LICENSED CLINICAL MARRIAGE AND FAMILY THERAPIST~~ 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 treatment needed by the minor or provided to the minor under this section.

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

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

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

Approved by the Governor, May 12, 2015.