



Committee: Senate Finance Committee

Bill Number: Senate Bill 41

Title: Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)

Hearing Date: February 2, 2021

Position: Support

The Maryland Nurses Association (MNA) supports *Senate Bill 41– Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)*. This bill would specify that minors up to the age of 12 years of age have the same capacity as an adult to consent for mental health services. The current law sets the age of consent at 16, and the bill maintains that minors would need to be at least 16 years of age to consent to medication. The bill retains the current law’s provision that allows providers to contact a parent or guardian if they feel it is appropriate.

MNA strongly supports increasing access to mental health treatment to ensure that minors can lead healthy lives at school, home, and in the community. Nurses often encounter youth with mental health conditions while providing somatic health services. Youth may present with stomach discomfort, headaches, and other physical pain. Unfortunately, the current law prohibits nurses from consulting with minors under the age of 16 without their parents’ consent if they believe there is an undiagnosed mental health condition.

Unfortunately, for several reasons, youth may be reluctant to discuss mental health issues with their parents. This includes concerns about stigma and fear of being ostracized from their families, whether real or perceived. This is especially important for youth who have suicidal ideation, have experienced trauma, or for LGBTQ youth who have not discussed their sexual orientation with their families.

By providing youth with the capacity to consent, mental health providers can ensure that treatment is provided while also working with minors to ensure that they are in a safe environment in cases where the youth may be experiencing abuse. Providers are also afforded the opportunity to strategize with youth on how to best discuss these issues with their families, when appropriate.

Thank you for your consideration of our testimony, and we urge a favorable vote. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.