



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

**Board of Examiners of Psychologists
4201 Patterson Avenue
Baltimore, MD 21215
Phone: 410-764-4787**

February 2, 2021

The Honorable Delores Kelley
Chair, Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: SB 41- Health – Mental and Emotional Disorders- Consent (Mental Health Access Initiative) – Letter of Concern

Dear Chair Kelley and Committee Members:

The Maryland Board of Examiners of Psychologists (the “Board”) is submitting this Letter of Concern for Senate Bill 41 (SB 41) – Health – Mental and Emotional Disorders- Consent (Mental Health Access Initiative).

SB 41 alters the minimum age for consent from 16 years to 12 years, thus allowing 12-year-olds to consent to consultation, diagnosis, and certain treatment of a mental or emotional disorder by a health care provider or clinic.

The Board is committed to ensuring that minors of all ages receive safe and appropriate mental health services. The Board is concerned that this bill places the burden of determining maturity and capacity on the health care provider, which is further problematic as it may introduce bias. Liability for costs also remains unclear if the youth's parents/guardian/custodian does not consent to the treatment.

Therefore, the Board respectfully asks that you consider this information and agree that the risk of bias may be greater than the intent of SB 41.

Thank you for your consideration. If you would like to discuss this matter further, please contact Lorraine Smith, Executive Director at Lorraine.smith@maryland.gov or 410-764-4787.

Sincerely,

Lorraine Smith

Lorraine Smith
Board Executive Director

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.