



Committee: House Health and Government Operations Committee
Bill Number: Senate Bill 41
Title: Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)
Hearing Date: March 23, 2021
Position: Support

The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports *Senate Bill 41 – Health – Mental and Emotional Disorders – Consent (Mental Health Access Initiative)*. This bill would provide minors 12 years of age and older with the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by a health care provider or clinic.

Licensed Clinical Professional Counselors (LCPCs) work with youth in many different settings, ranging from private practices to school and community-based behavioral health programs. In addition to providing mental health treatment, many LCPCs also provide substance use disorder treatment. This includes LCPCs who are dually licensed as a Licensed Clinical Alcohol and Drug Counselor (LCADC).

While current law allows a minor under the age of 16 to consent to evaluation and treatment for a substance use disorder, a minor must be at least 16 years of age to provide consent to mental health treatment¹. In practical terms, this means that a minor can seek treatment for a substance use disorder but if they are under 16, they cannot discuss a co-occurring mental health condition without the practitioner first obtaining consent from the parent or guardian. This just doesn't make sense, particularly as the youth suicide rate had risen nearly 50% over the previous decade². We must ensure that youth in emotional distress can access services regardless of their age, especially now as more youth encounter mental distress as a result of the current public health crisis.

In addition, LCPCM supports the provision under 20-104(C)(3), which provides discretion to the health care provider, allowing information to be shared with the parent or guardian of a minor unless the provider believes that disclosure would lead to harm or deter the minor from seeking care.

¹ § 20-102 of the Health-General Article

² Mental Health Awareness Month: Focusing on Suicide Prevention Strategies for our Youth
Elinore F. McCance-Katz, M.D., Ph.D. SAMSHA. 2019. <https://blog.samhsa.gov/2019/05/07/mental-health-awareness-month-focusing-on-suicide-prevention-strategies-for-our-youth>

Thank you for your consideration of our testimony, and we urge a favorable vote. If we can provide any further information, please contact Rachael faulkner at rfaulkner@policypartners.net or 410-693-4000.