

SENATE BILL 72

J1, J2

2lr1009
CF HB 68

By: **Senator Kelley**

Introduced and read first time: January 16, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Treatment – Youth – Registered Nurses and Physician Assistants**

3 FOR the purpose of providing that a minor has the same capacity as an adult to
4 consent to medical treatment if a registered nurse or physician assistant makes
5 a certain determination; providing that a registered nurse, physician assistant,
6 or an individual under the direction of a registered nurse or physician assistant
7 who treats a minor is not liable for civil damages or subject to certain penalties
8 under certain circumstances; authorizing a registered nurse or physician
9 assistant to give certain information to certain individuals; authorizing a
10 registered nurse or physician assistant to advise or direct certain medical staff
11 to give certain information to certain individuals; and generally relating to
12 medical treatment of minors.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 20–102
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

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

20 **Article – Health – General**

21 20–102.

22 (a) A minor has the same capacity as an adult to consent to medical
23 treatment if the minor:

24 (1) Is married; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Is the parent of a child.

2 (b) A minor has the same capacity as an adult to consent to medical
3 treatment if, in the judgment of the attending physician, **REGISTERED NURSE, OR**
4 **PHYSICIAN ASSISTANT**, the life or health of the minor would be affected adversely by
5 delaying treatment to obtain the consent of another individual.

6 (c) A minor has the same capacity as an adult to consent to:

7 (1) Treatment for or advice about drug abuse;

8 (2) Treatment for or advice about alcoholism;

9 (3) Treatment for or advice about venereal disease;

10 (4) Treatment for or advice about pregnancy;

11 (5) Treatment for or advice about contraception other than
12 sterilization;

13 (6) Physical examination and treatment of injuries from an alleged
14 rape or sexual offense;

15 (7) Physical examination to obtain evidence of an alleged rape or
16 sexual offense; and

17 (8) Initial medical screening and physical examination on and after
18 admission of the minor into a detention center.

19 (c-1) The capacity of a minor to consent to treatment for drug abuse or
20 alcoholism under subsection (c)(1) or (2) of this section does not include the capacity to
21 refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse
22 treatment program certified under Title 8 of this article for which a parent or guardian
23 has given consent.

24 (d) A minor has the same capacity as an adult to consent to psychological
25 treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment
26 of the attending physician or a psychologist, the life or health of the minor would be
27 affected adversely by delaying treatment to obtain the consent of another individual.

28 (e) A physician, psychologist, **REGISTERED NURSE, PHYSICIAN**
29 **ASSISTANT**, or an individual under the direction of a physician [or], psychologist,
30 **REGISTERED NURSE, OR PHYSICIAN ASSISTANT** who treats a minor is not liable for
31 civil damages or subject to any criminal or disciplinary penalty solely because the
32 minor did not have capacity to consent under this section.

1 (f) Without the consent of or over the express objection of a minor, the
2 attending physician, psychologist, **REGISTERED NURSE, PHYSICIAN ASSISTANT**, or,
3 on advice or direction of the attending physician **[or]**, psychologist, **REGISTERED**
4 **NURSE, OR PHYSICIAN ASSISTANT**, a member of the medical staff of a hospital or
5 public clinic may, but need not, give a parent, guardian, or custodian of the minor or
6 the spouse of the parent information about treatment needed by the minor or provided
7 to the minor under this section, except information about an abortion.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.