

13. Treatment of Minors

HEALTH-GENERAL ARTICLE, §§20-102, 20-104

§20-102. Treatment for health-related problems.

(a) *Minor who is married or parent.* — A minor has the same capacity as an adult to consent to medical or dental treatment if the minor:

- (1) Is married;
- (2) Is the parent of a child; or
- (3) (i) Is living separate and apart from the minor's parent, parents, or guardian, whether with or without consent of the minor's parent, parents, or guardian; and
(ii) Is self-supporting, regardless of the source of the minor's income.

(b) *Emergency treatment.* — A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual.

(c) *Consent for specific treatment.* — A minor has the same capacity as an adult to consent to:

- (1) Treatment for or advice about drug abuse;
- (2) Treatment for or advice about alcoholism;
- (3) Treatment for or advice about venereal disease;
- (4) Treatment for or advice about pregnancy;
- (5) Treatment for or advice about contraception other than sterilization;
- (6) Physical examination and treatment of injuries from an alleged rape or sexual offense;
- (7) Physical examination to obtain evidence of an alleged rape or sexual offense; and
- (8) Initial medical screening and physical examination on and after admission of the minor into a detention center.

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

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

(e) *Liabilities.* — A licensed health care practitioner who treats a minor is not liable for civil damages or subject to any criminal or disciplinary penalty solely because the minor did not have capacity to consent under this section.

(f) *Disclosure.* — Without the consent of or over the express objection of a minor, a licensed health care practitioner 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, except information about an abortion.

§20-104. Mental or emotional disorder.

(a) *Definitions.* — In this section, “Health care provider” means an individual who is:

- (1) Licensed under the Health Occupations Article; and
- (2) Acting within the scope of the individual’s license to diagnose and treat mental and emotional disorders.

(b) *Capacity to consent.* —

(1) Subject to paragraph (2) of this subsection, a minor who is 12 years old or older who is determined by a health care provider to be mature and capable of giving informed consent has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder by the 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 health care provider or a clinic under paragraph (1) of this subsection does not include the capacity to:

- (i) Refuse consultation, diagnosis, or treatment for a mental or emotional disorder for which a parent, guardian, or custodian of the minor has given consent; or
- (ii) Except as otherwise provided in this subtitle, if the minor is under the age of 16 years, consent to the use of prescription medications to treat a mental or emotional disorder.

(c) *Disclosure.* —

(1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, without the consent of or over the express objection of a minor, the health care provider or, on advice or direction of the 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) Subject to paragraph (3) of this subsection, if a 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.

(3) A health care provider may decide to provide information to a parent, guardian, or custodian of a minor under paragraphs (1) and (2) of this subsection unless the health care provider believes that the disclosure will lead to harm to the minor or deter the minor from seeking care.

(d) *Liabilities.* — 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.