

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 828, L.D. 1160, Bill, "An Act to Provide for Consent of Minors to Health Services"

Amend the bill by striking out all of that part designated "§901." and inserting in its place the following:

§901. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Health care practitioner. "Health care practitioner" has the same meaning as set forth in Title 24, section 2502, subsection 1-A.
- 2. Health care provider. "Health care provider" has the same meaning as set forth in Title 24, section 2502, subsection 2.
- 3. Minor. "Minor" means any person under 18 years of age.'

Further amend the bill by striking out all of that part designated "§903." and inserting in its place the following:

§903. Authority

A minor may give consent to all medical, mental, dental and other health counseling and services if the minor:

- 1. Living separately; independent of parental support. Has been living separately from parents or legal guardians for at least 60 days and is independent of parental support;
- 2. Married. Is or was legally married;
- 3. Armed Forces. Is or was a member of the Armed Forces of the United States; or

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4. Emancipated. Has been emancipated by the court pursuant to Title 15, section 3506-A.'

Further amend the bill by striking out all of that part designated "§904." and inserting in its place the following:

'§904. Good faith reliance on consent

Any health care practitioner or health care provider who takes reasonable steps to ascertain that a minor is authorized to consent to health treatment as authorized in section 903 and who subsequently renders treatment in reliance on that consent shall not be liable for failing to have secured consent of the minor's parent or guardian prior to providing health care services to the minor.'

Further amend the bill by striking out all of that part designated "§905." and inserting in its place the following:

'§905. Confidentiality; notification

1. Confidentiality. Except as otherwise provided by law, any minor who may consent to health care services, as provided in this chapter or by other provision of law, shall be entitled to the same confidentiality afforded to adults.

2. Parental notification. A health care practitioner or health care provider may notify the parent or guardian of a minor who has sought health care under this chapter if, in the judgment of the practitioner or provider, failure to inform the parent or guardian would seriously jeopardize the health of the minor or would seriously limit the practitioner's or provider's ability to provide treatment.'

Further amend the bill in that part designated "§906." in the 5th line (page 2, line 8 in L.D.) by inserting before the following: "health care" the following: 'health care practitioner.'

**STATEMENT OF FACT**

This amendment clarifies when a minor may consent to health care services. Specifically, a minor who has been living separately from the minor's parents or guardians for at least 60 days and who is not dependent on the parents for support may consent to his or her own treatment. This amendment deletes the reference to a minor who has had a child.

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This amendment also revises the provisions concerning the health care provider's health care or practitioner's liability for providing services without securing the consent of the minor's parents or guardians. If the health care provider takes reasonable steps to make sure that the minor meets the criteria for consenting to his or her own health care, then the health care provider is not liable for failing to secure the consent of the parents or guardians.

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This amendment revises the confidentiality provisions to indicate that a minor authorized to consent to medical services is entitled to the same confidentiality an adult receives unless other laws provide otherwise. In addition, this amendment permits a health care provider or health care practitioner to notify the minor's parents or guardians that the minor is seeking health care in certain circumstances.

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In addition, this amendment makes the definitions of "health care practitioner" and "health care provider" the same as in the Maine Health Security Act.

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Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
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5/25/89 (Filing No. H-301)