

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1160

H.P. 828

House of Representatives, April 12, 1989

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Representative CLARK of Brunswick, Senator HOLLOWAY of Lincoln and Representative HASTINGS of Fryeburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Provide for Consent of Minors to Health Services.



1 Be it enacted by the People of the State of Maine as follows:

3 19 MRSA c. 18 is enacted to read:

5 CHAPTER 18

7 CONSENT OF MINORS FOR HEALTH SERVICES

9 §901. Definitions

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

15 1. Health care provider. "Health care provider" means an
17 individual who is licensed in this State to provide health care,
including, but not limited to, medical, mental, dental and other
health counseling and services.

19 2. Minor. "Minor" means any person under 18 years of age.

21 §902. Consent

23 In addition to the ability to consent to treatment for
25 health services as provided in Title 22, sections 1823 and 1908
and Title 32, sections 2595, 3292, 3817, 6221 and 7004, any minor
27 may consent to treatment for abuse of alcohol or drugs or for
emotional or psychological problems.

29 §903. Authority

31 Any minor who is living separately from parents or legal
33 guardians, who is self-supporting, is or was legally married, has
had a child, is or was a member of the Armed Forces of the United
35 States, or who has been emancipated by the court, pursuant to
Title 15, section 3506-A, may give consent to all medical,
37 mental, dental and other health counseling and services.

39 §904. Good faith reliance on consent

41 Any health care provider who relies in good faith upon the
representation of a minor that the minor may give consent as
43 provided in this chapter shall not be liable for failing to have
acquired consent of the minor's parent or guardian prior to
45 providing health care services to the minor.

47 §905. Confidentiality

49 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.

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§906. Financial responsibility

Unless the parent or guardian expressly agrees to assume full or partial responsibility, any minor who consents to health care services as provided in this chapter shall be responsible for the costs of those services. No minor may be denied benefits or services to which the minor is entitled from a health care provider, insurer or public agency because the minor has given the consent for those services as provided in this chapter.

STATEMENT OF FACT

In its April 1988 report, the Commission to Study Health Services in Public Schools concluded that the inability of adolescents to consent to treatment for their own or their children's health was a barrier to effective delivery of health services. This bill is based on the Legislation recommended by that commission.

In addition to making reference to all state laws governing an adolescent's ability to consent to treatment, the bill expands the existing law in the following respects.

1. It clarifies that any adolescent may be provided substance abuse services.
2. It allows any adolescent to consent to mental and emotional all health services, including counseling.
3. It provides that a self-supporting adolescent who is not living at home may consent to all health services.
4. It provides that an adolescent who has given birth to a child is emancipated, and hence is able to consent to all health services.

This bill makes no modification whatsoever to a minor's ability or inability to consent to contraceptive or abortion-related services, which is governed by other provisions of law.