

CONCLUSIVE EVIDENCE OF NOTICE OR A REASONABLE EFFORT TO GIVE NOTICE, AS THE CASE MAY BE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 135(d).

Throughout this section, the word "notice" is substituted for the word "notification", for consistency.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that former Article 43, § 135(d) was unclear with respect to the need to notify one or both parents and, therefore, this section is revised to allow notice to one parent. The General Assembly may wish to clarify its intent.

The Commission also notes that, since there is no time limitation imposed on the prior notice and since the notice is given by mail, the notice requirement may be ineffective.

The Commission also notes that the General Assembly may wish to reconsider subsection (d) of this section, since a postal receipt merely evinces that something was mailed and does not show the evidence of the contents of the mail.

Defined terms: "Physician" § 1-101
"Registered mail" Article 1, § 20

20-104. MENTAL OR EMOTIONAL DISORDER.

(A) CAPACITY TO CONSENT.

A MINOR WHO IS 16 YEARS OLD OR OLDER HAS THE SAME CAPACITY AS AN ADULT TO CONSENT TO CONSULTATION, DIAGNOSIS, AND TREATMENT OF A MENTAL OR EMOTIONAL DISORDER BY A PHYSICIAN OR A CLINIC.

(B) DISCLOSURE.

WITHOUT THE CONSENT OF OR OVER THE EXPRESS OBJECTION OF A MINOR, THE ATTENDING PHYSICIAN OR, ON ADVICE OR DIRECTION OF THE ATTENDING PHYSICIAN, A MEMBER OF THE MEDICAL STAFF OF A HOSPITAL OR PUBLIC CLINIC MAY, BUT NEED NOT, GIVE ~~THE~~ THE SPOUSE OR 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.

(C) LIABILITIES.

UNLESS THE PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR