

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

Article - Family Law

5-709.

(A) (1) IN THIS SECTION "EMERGENCY MEDICAL TREATMENT" MEANS MEDICAL OR SURGICAL CARE RENDERED BY A PHYSICIAN OR HEALTH CARE INSTITUTION TO A CHILD UNDER THIS SECTION:

(I) TO RELIEVE ANY URGENT ILLNESS OR LIFE THREATENING HEALTH CONDITION; OR

(II) TO DETERMINE THE NATURE OR EXTENT OF ANY ALLEGED INJURY OR HEALTH CONDITION.

(2) "EMERGENCY MEDICAL TREATMENT" DOES NOT INCLUDE:

(I) NONEMERGENCY OUTPATIENT TREATMENT; OR

(II) PERIODIC NONEMERGENCY HEALTH CARE.

[(a)] (B) Any physician who is licensed or authorized to practice medicine in this State shall examine OR TREAT any child, with or without the consent of the child's parent, guardian, or custodian, to determine the nature and extent of any neglect to the child if the child is brought to the physician:

(1) in accordance with a court order; or

(2) by a representative of a local department who states that the representative believes the child is a neglected child.

[(b)] (C) If a physician examines a child under [subsection (a) of] this section and determines that emergency medical treatment is indicated, the physician may treat the child, with or without the consent of the child's parent, guardian, or custodian.

[(c)] (D) (1) A physician who examines OR TREATS a child under [subsection (a) of this section or who treats a child under subsection (b) of] this section is immune from any civil liability that may result from the failure to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any health care institution with which the physician is affiliated, or to which the child is brought; and