

In the introductory language of subsection (f) of this section, the term "believes" is substituted for the former phrase "assured and convinced" for brevity.

Former Art. 31B, § 13(e)(2), which required that the information "not be used for any improper or unauthorized purpose", is deleted as unnecessary in light of the requirement in subsection (f)(1) of this section that the information be used "solely for ... legitimate purposes".

Defined terms: "Commissioner" § 4-101

"Director" § 4-101

"Division of Parole and Probation" § 1-101

"Eligible person" § 4-101

"Inmate" § 1-101

"Institution" § 4-101

"Person" § 1-101

"State" § 1-101

4-210. MEDICAL TREATMENT OF JUVENILE INMATES.

(A) AUTHORIZATION.

ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE DIRECTOR OR DIRECTOR'S DESIGNEE MAY AUTHORIZE MEDICAL TREATMENT OF A JUVENILE INMATE WHEN:

(1) IN THE JUDGMENT OF THE DIRECTOR OR DESIGNEE, THE TREATMENT IS NECESSARY; AND

(2) A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE JUVENILE IS NOT AVAILABLE ON A TIMELY BASIS TO GIVE THE AUTHORIZATION.

(B) IMMUNITY.

THE DIRECTOR OR DIRECTOR'S DESIGNEE MAY NOT BE HELD LIABLE FOR AUTHORIZING IN GOOD FAITH MEDICALLY NECESSARY TREATMENT UNDER SUBSECTION (A) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 31B, § 9A.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of subsection (b) of this section is unclear in light of SG § 12-105 and CJ § 5-522(b), which grant immunity from liability to State personnel. Under SG § 12-105 and CJ § 5-522(b), State personnel are immune from suit in State courts and from liability in tort for a tortious act or omission that is within the scope of the public duties of the State personnel and is made without malice or gross negligence. The Committee is uncertain as to whether subsection (b) of this section establishes any additional protection against liability for the Director or the Director's designee. The General Assembly may wish to examine this issue. See also § 5-406(b) of this article.