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TESTIMONY OF GORDON H. SMITH, ESQ. EXECUTIVE VICE PRESIDENT OF THE MAINE MEDICAL ASSOCIATION

IN OPPOSITION TO

L.D. 746, AN ACT REGARDING THE CONSENT OF MINORS FOR MENTAL HEALTH AND SUBSTANCE ABUSE AID

Senator Hastings, Representative Nass and members of the Committee on the Judiciary Committee. I am Gordon Smith, Executive Vice President of the Maine Medical Association, testifying today in opposition to L.D. 746. The Maine Association of Psychiatric Physicians (MAPP) joins us in opposition to this bill. I will not repeat the points I made earlier regarding L.D. 31, but will focus directly on the problems created by the provisions of this bill.

Though well intended, the bill would remove a physician's ability to treat a minor confidentially for substance abuse or for emotional or psychological problems, unless one of the four criteria set forth in the bill are met – along with one new one – entitled "Determined at risk of harm." Given the growing problem of substance abuse in the state – fueled in part by abuse of prescription drugs, we certainly should not put any barriers up that would discourage treatment. And I think it goes without saying that we would want our teenagers to seek care for emotional and mental health issues as well.

To prohibit physicians from honoring a minor's request for confidentiality unless a specialist examines the child and finds them at risk of harm or maltreatment, if a legal guardian were to be notified – and then to require a referral to HHS for investigation of possible abuse or neglect – is overly broad and will have a chilling effect on adolescents seeking care. This will result in substance abuse problems becoming more severe and mental health conditions worsening without the hope of early intervention.

I believe that most of us adults having survived our own childhoods, realize how much more difficult it is being a kid today. Let's not make it even harder. Others following me will provide more details.

I would be happy to answer any questions you may have.