An Act To Support Access to Health Services for Homeless Youth in Maine

Reference to the Committee on Health and Human Services suggested and ordered printed.

Presented by Senator SANBORN, L. of Cumberland.
Cosponsored by Representative TALBOT ROSS of Portland and
Senators: GRATWICK of Penobscot, SANBORN, H. of Cumberland, Representatives:
GATTINE of Westbrook, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville,
MARTIN of Eagle Lake, MEYER of Eliot, STOVER of Boothbay.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1503, sub-§1, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is repealed and the following enacted in its place:

1. Living separately; independent of parental support. Is living separately from parents or a legal guardian and is independent of parental support. A minor may prove that the minor meets the requirements of this subsection with documentation including, but not limited to:

   A. A written statement affirming that the minor is living separately from parents or a legal guardian and is independent of parental support signed by:

      (1) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

      (2) A local education agency liaison for homeless children and youth designated pursuant to 42 United States Code, Section 11432(g)(1)(J)(ii) or a school social worker or counselor; or

      (3) An attorney representing the minor in any legal matter;

   B. A copy of a protection from abuse complaint or a temporary order or final order of protection against the minor's parent or legal guardian; or

   C. Proof of filing a petition for emancipation pursuant to Title 15, section 3506-A;

Sec. 2. 22 MRSA §1503, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is amended by adding at the end a new paragraph to read:

A health care practitioner who provides medical, mental, dental or other health counseling or services to a minor pursuant to this section and can demonstrate compliance with this section is immune from any civil or criminal liability based on the health care practitioner's determination to provide the services, except that a health care practitioner may be held liable for the health care practitioner's gross negligence or willful or wanton acts or omissions. The consent given under this section is not subject to later disaffirmance solely by reason of the minor's minority.

SUMMARY

Under current law, a minor who has been living separately from parents or legal guardians for at least 60 days and is independent of parental support may provide consent to all medical, mental, dental and other health counseling and services.

This bill allows a minor to provide consent to all medical, mental, dental and other health counseling and services by proving that the minor is living separately and is independent of parental support through various means such as a written, signed statement to that fact from the director of a governmental or nonprofit agency that provides services to homeless persons or an attorney representing the minor or proof of filing for emancipation.
This bill also provides immunity to a health care practitioner who provides services to a minor if the minor consented to those services and provided proof of living separately and independently. Finally, this bill prohibits a minor or other person from disaffirming the consent given by the minor solely because the minor is a minor.