

MedChi

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TO: The Honorable Paula C. Hollinger, Chairman
Members, Education, Health & Environmental Affairs Committee
The Honorable Nancy Jacobs

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: March 10, 2004

RE: **NO POSITION – INFORMATION ONLY** – Senate Bill 351 – *Public Health
– Abortion – Parental Notice*

The Maryland State Medical Society (MedChi) which represents over 7,200 Maryland physicians and their patients takes no position on Senate Bill 351, but believes it should provide certain information.

Historically, MedChi has not taken a position on “abortion” legislation because of the divisiveness it creates in MedChi’s membership, just as it creates divisiveness in the public at large. However, in reviewing Senate Bill 351, MedChi believes that certain principles should be kept in mind.

First, MedChi believes that current medical practice requires a physician to notify parents prior to a medical procedure on a minor child (except in case of an emergency). MedChi is aware that the present abortion “notice” statute contains language which effectively allows notice to be routinely avoided (page 4, lines 25-27). At the same time, the present notice statute contains an exception which MedChi would support (abuse of minor, page 4, lines 22-23).

Second, MedChi does not believe that the failure of a physician to give notice to a parent or responsible guardian should ever result in a criminal penalty to the physician as called for in Senate Bill 351 (page 5, lines 23-24). MedChi knows of no other provision of Maryland law which “criminalizes” a failure of a physician to provide notice prior to the treatment of a minor.

Third, the notice requirements of Senate Bill 351 are clearly beyond the normal requirements of notice in current medical practice (certified mail, 48-hours, etc.).

For more information call:

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