

S.B. NO. 2886

JAN 27 2016

A BILL FOR AN ACT

RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 577, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§577- Mental health services relating to minors;
5 diagnosis, counseling, and related
6 activities. (a) Notwithstanding any other law to the contrary,
7 a minor who is twelve years of age or older may consent to
8 mental health treatment or counseling services provided by a
9 licensed mental health professional if, in the opinion of the
10 licensed mental health professional, the minor is mature enough
11 to participate intelligently in the mental health treatment or
12 counseling services.

13 (b) The mental health treatment or counseling services of
14 a minor authorized by this section shall include involvement of
15 the minor's parent or guardian, unless the licensed mental
16 health professional, after consulting with the minor, determines
17 that the involvement would be inappropriate. The licensed

S.B. NO. 2886

1 mental health professional shall state in the client record
2 whether and when the treating clinician attempted to contact the
3 minor's parent or guardian, and whether the attempt to contact
4 was successful or unsuccessful, or the reason why, in the
5 treating licensed mental health professional's opinion, it would
6 be inappropriate to contact the minor's parent or guardian.

7 (c) A minor may not abrogate consent provided by a parent
8 or legal guardian on the minor's behalf, nor may a parent or
9 legal guardian abrogate consent given by the minor on his or her
10 own behalf.

11 (d) If a minor consents to receive mental health treatment
12 or counseling services pursuant to this section, the minor shall
13 not be liable for payment.

14 (e) The minor's parents or guardian are not liable for
15 payment for mental health treatment or counseling services
16 provided pursuant to this section unless the parent or guardian
17 participates in the mental health treatment or counseling
18 services, and then only for services rendered with the
19 participation of the parent or guardian.

20 (f) As used in this section:

S .B. NO. 2886

1 "Mental health treatment or counseling services" means the
2 provision of outpatient mental health treatment or counseling by
3 a licensed mental health professional.

4 "Licensed mental health professional" means any of the
5 following:

- 6 (1) A person designated as a licensed mental health
7 counselor pursuant to section 453DJ-1;
8 (2) A person designated as a licensed marriage and family
9 therapist pursuant to 451J-1;
10 (3) A clinical social worker licensed pursuant to chapter
11 467E;
12 (4) A person licensed in the practice of psychology
13 pursuant to chapter 465; and
14 (5) A board certified, or board eligible, psychiatrist."

15 SECTION 2. New statutory material is underscored.

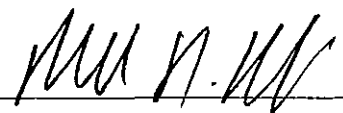
16 SECTION 3. This Act, upon its approval, shall take effect
17 on July 1, 2016.

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INTRODUCED BY:



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BY REQUEST

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S .B. NO. 2886

Report Title:

Mental Health Services; Age of Consent

Description:

To reduce barriers in accessing mental health care for adolescents by lowering the age of consent to receive treatment from 18 years old to 12 years old.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO AGE OF CONSENT FOR ADOLESCENT MENTAL HEALTH SERVICES.

PURPOSE: To reduce barriers in accessing mental health care for adolescents by lowering the age of consent to receive outpatient treatment from 18 years old to 12 years old.

MEANS: Add a new section to chapter 577, Hawaii Revised Statutes.

JUSTIFICATION: In certain situations, minors seeking mental health services may be reluctant to disclose this need to their parents, may have parents that disrupt proper health care, may have inaccessible parents or have parents that will not consent to treatment. By lowering the age of consent for mental health services, similar to consent laws for substance abuse and family planning, minors may access treatment based upon their consent. If it is later determined that parental involvement would benefit treatment, the provider will plan for such a disclosure.

Impact on the public: Improved access for minors to mental health care that may otherwise be unobtainable due to family dynamics or other circumstances.

Impact on the department and other agencies: There may be impact on the Department of Education, which provides school-based behavioral health services to students.

GENERAL FUND: There may be additional expenses for Medicaid beneficiaries.

OTHER FUNDS: None.

Page 2

SB. NO. 2886

PPBS PROGRAM
DESIGNATION: HTH 460.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: July 1, 2016.