
A BILL FOR AN ACT

RELATING TO ADOLESCENT MENTAL HEALTH SERVICES.

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

1 SECTION 1. Section 323B-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) [~~Notwithstanding~~] Except as prohibited by section
4 577-29(f), and notwithstanding any other law to the contrary,
5 any use or disclosure of individually identifiable health
6 information by any covered entity or business associate that is
7 permitted by title 45 Code of Federal Regulations part 164,
8 subpart E, shall be deemed to comply with all state laws
9 relating to the use, disclosure, or confidentiality of such
10 information."

11 SECTION 2. Section 577-29, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§577-29 Mental health services relating to minors;**
14 **diagnosis, counseling, and related activities.** (a)
15 Notwithstanding any other law to the contrary, a minor who is
16 fourteen years of age or older may consent to mental health
17 treatment or counseling services provided by a licensed mental



1 health professional or mental health professional if, in the
2 opinion of the licensed mental health professional[7] or mental
3 health professional, the minor is mature enough to participate
4 intelligently in the mental health treatment or counseling
5 services; provided that the consent of the minor's parent or
6 legal guardian shall be required to prescribe medication to the
7 minor or to place the minor into an out-of-home or residential
8 treatment program. It shall be a standard of care for a
9 licensed mental health professional or a mental health
10 professional treating a minor to ask the minor if the minor
11 wants the provision of mental health treatment or counseling
12 services to be kept confidential from the minor's parent or
13 guardian and explain to the minor what confidentiality means
14 with regard to mental health services.

15 (b) The mental health treatment or counseling services
16 provided to a minor as authorized by this section shall include
17 involvement of the minor's parent or legal guardian, unless the
18 licensed mental health professional[7] or the mental health
19 professional, after consulting with the minor, determines that
20 the involvement would be inappropriate. The licensed mental
21 health professional or the mental health professional shall



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

8 (c) A minor may not abrogate consent provided by a parent
9 or legal guardian on the minor's behalf. A parent or legal
10 guardian may not abrogate consent given by the minor on the
11 minor's own behalf.

12 (d) If a minor consents to receive mental health treatment
13 or counseling services pursuant to this section, the minor shall
14 not be liable for payment[~~-~~], including out-of-pocket payment.

15 (e) The minor's parent or legal guardian is not liable for
16 [~~payment~~] out-of-pocket payments for mental health treatment or
17 counseling services provided pursuant to this section unless the
18 parent or guardian participates in the mental health treatment
19 or counseling services, and then only for services rendered with
20 the participation of the parent or guardian.



1 (f) A covered entity shall not disclose to the minor's
 2 parent or legal guardian who is a policyholder or other covered
 3 person, any billing information, including payments made by the
 4 covered entity for mental health treatment or counseling
 5 services provided pursuant to this section, if the minor
 6 received the services without the consent or participation of
 7 the minor's parent or legal guardian.

8 [~~f~~] (g) As used in this section:

9 "Covered entity" has the same meaning as in title 45 Code
 10 of Federal Regulations section 160.103.

11 "Licensed mental health professional" means [~~any of the~~
 12 ~~following~~] a person who provides counseling as part of the
 13 following professions:

- 14 (1) A [~~person~~] licensed [~~as a~~] mental health counselor
 15 pursuant to chapter 453D;
- 16 (2) A [~~person~~] licensed [~~as a~~] marriage and family
 17 therapist pursuant to chapter 451J;
- 18 (3) A licensed clinical social worker [~~licensed~~] pursuant
 19 to chapter 467E;
- 20 (4) A [~~person~~] licensed [~~as a~~] psychologist pursuant to
 21 chapter 465;



1 (5) A [~~board certified, or board eligible, licensed~~
2 ~~psychiatrist,]~~ licensed physician pursuant to chapter
3 453; or

4 (6) [~~An~~] A licensed advanced practice registered nurse
5 [~~licensed~~] pursuant to chapter 457 who holds an
6 accredited national certification in an advanced
7 practice registered nurse psychiatric specialization.

8 "Mental health professional" means a person who is working
9 under the supervision of a licensed mental health professional
10 and either:

- 11 (1) Is enrolled in an accredited training program; or
- 12 (2) Has completed all licensing requirements except the
13 hours of supervised post-degree experience or the
14 examination required for state licensure for licensed
15 mental health counselors pursuant to chapter 453D, for
16 licensed marriage and family therapists pursuant to
17 chapter 451J, for clinical social workers pursuant to
18 chapter 467E, for psychologists pursuant to chapter
19 465, or for advanced practice registered nurses
20 pursuant to chapter 457.

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 or a mental health
4 professional."

5 SECTION 3. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Adolescent Mental Health; Payment Disclosure; Confidentiality

Description:

Permits certain minors to consent to treatment or counseling by a mental health professional. Requires, as part of the standard of care, the minor patient to be informed about confidentiality. Restricts disclosure of a minor's payment information for mental health treatment in certain circumstances. (SB768 HD2)

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