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

SECTION 1. Section 577-29, Hawaii Revised Statutes, is amended to read as follows:

"§577-29 Mental health services relating to minors; diagnosis, counseling, and related activities. (a)
Notwithstanding any other law to the contrary, a minor who is fourteen years of age or older may consent to mental health treatment or counseling services provided by a licensed mental health professional if, in the opinion of the licensed mental health professional, the minor is mature enough to participate intelligently in the mental health treatment or counseling services; provided that the consent of the minor's parent or legal guardian shall be required to prescribe medication to the minor or to place the minor into an out-of-home or residential treatment program.

(b) The mental health treatment or counseling services provided to a minor as authorized by this section shall include involvement of the minor's parent or legal guardian, unless the
licensed mental health professional\[\] or the mental health professional, after consulting with the minor, determines that the involvement would be inappropriate. The licensed mental health professional or the mental health professional shall state in the client record whether and when the treating clinician attempted to contact the minor's parent or legal guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the treating licensed mental health professional's opinion\[\] or the mental health professional's opinion, it would be inappropriate to contact the minor's parent or guardian.

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

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

(e) The minor's parent or legal guardian is not liable for payment for mental health treatment or counseling services provided pursuant to this section unless the parent or guardian
participates in the mental health treatment or counseling services, and then only for services rendered with the participation of the parent or guardian.

(f) [As used in] For purposes of this section[+], only:

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

1. A [person] licensed [as a] mental health counselor pursuant to chapter 453D;
3. A [licensed] clinical social worker [licensed] pursuant to chapter 467E;
5. A [board certified, or board eligible,] licensed [psychiatrist] physician pursuant to chapter 453; or
"Mental health professional" means a person working under the supervision of a licensed mental health professional and is enrolled in an accredited training program or has completed all licensing requirements, except the examination for state licensure, for mental health counselors pursuant to chapter 453D, for licensed marriage and family therapists pursuant to chapter 451J, for social workers pursuant to chapter 467E, or for advanced practice registered nurses pursuant to chapter 457.

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

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: [Signatures]
Report Title:
Mental Health Services; Minors; Interns

Description:
Authorizes mental health professionals under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors.

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