

JAN 18 2019

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

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

3 "§577-29 Mental health services relating to minors;
4 diagnosis, counseling, and related activities. (a)

5 Notwithstanding any other law to the contrary, a minor who is
6 fourteen years of age or older may consent to mental health
7 treatment or counseling services provided by a licensed mental
8 health professional or mental health professional if, in the
9 opinion of the licensed mental health professional, the minor is
10 mature enough to participate intelligently in the mental health
11 treatment or counseling services; provided that the consent of
12 the minor's parent or legal guardian shall be required to
13 prescribe medication to the minor or to place the minor into an
14 out-of-home or residential treatment program.

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



1 licensed mental health professional [7] or the mental health
2 professional, after consulting with the minor, determines that
3 the involvement would be inappropriate. The licensed mental
4 health professional or the mental health professional shall
5 state in the client record whether and when the treating
6 clinician attempted to contact the minor's parent or legal
7 guardian, and whether the attempt to contact was successful or
8 unsuccessful, or the reason why, in the treating licensed mental
9 health professional's opinion [7] or the mental health
10 professional's opinion, it would be inappropriate to contact the
11 minor's parent or guardian.

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

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

19 (e) The minor's parent or legal guardian is not liable for
20 payment for mental health treatment or counseling services
21 provided pursuant to this section unless the parent or guardian



1 participates in the mental health treatment or counseling
2 services, and then only for services rendered with the
3 participation of the parent or guardian.

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

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

8 (1) A ~~[person]~~ licensed ~~[as a]~~ mental health counselor
9 pursuant to chapter 453D;

10 (2) A ~~[person]~~ licensed ~~[as a]~~ marriage and family
11 therapist pursuant to chapter 451J;

12 (3) A licensed clinical social worker ~~[licensed]~~ pursuant
13 to chapter 467E;

14 (4) A ~~[person]~~ licensed ~~[as a]~~ psychologist pursuant to
15 chapter 465;

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

18 (6) ~~[An]~~ A licensed advanced practice registered nurse
19 ~~[licensed]~~ pursuant to chapter 457 who holds an
20 accredited national certification in an advanced
21 practice registered nurse psychiatric specialization.



S.B. NO. 538

1 "Mental health professional" means a person working under
 2 the supervision of a licensed mental health professional and is
 3 enrolled in an accredited training program or has completed all
 4 licensing requirements, except the examination for state
 5 licensure, for mental health counselors pursuant to chapter
 6 453D, for licensed marriage and family therapists pursuant to
 7 chapter 451J, for social workers pursuant to chapter 467E, or
 8 for advanced practice registered nurses pursuant to chapter 457.

9 "Mental health treatment or counseling services" means the
 10 provision of outpatient mental health treatment or counseling by
 11 a licensed mental health professional[-] or a mental health
 12 professional."

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

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

16



INTRODUCED BY:

Rosalyn H. Sch

Karl Rhoads

Paul E. Pelt

John G. R.

Clarence K. Nishikawa

Kurt Favelle

Mick



S.B. NO. 538

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.

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

