
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 if, in the opinion of the licensed mental
2 health professional, the minor is mature enough to participate
3 intelligently in the mental health treatment or counseling
4 services; provided that the consent of the minor's parent or
5 legal guardian shall be required to prescribe medication to the
6 minor or to place the minor into an out-of-home or residential
7 treatment program.

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

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



1 guardian may not abrogate consent given by the minor on the
2 minor's own behalf.

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

6 (e) The minor and the minor's parent or legal guardian
7 ~~[is]~~ are not liable for ~~[payment]~~ out-of-pocket payments for
8 mental health treatment or counseling services provided pursuant
9 to this section unless the parent or guardian participates in
10 the mental health treatment or counseling services, and then
11 only for services rendered with the participation of the parent
12 or guardian.

13 (f) A covered entity shall not disclose to the minor's
14 parent or legal guardian who is a policyholder or other covered
15 person any billing information, including payments made by the
16 covered entity for mental health treatment or counseling
17 services provided pursuant to this section if the minor received
18 the services without the consent or participation of the minor's
19 parent or legal guardian.

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



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

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

- 5 (1) A person licensed as a mental health counselor
6 pursuant to chapter 453D;
- 7 (2) A person licensed as a marriage and family therapist
8 pursuant to chapter 451J;
- 9 (3) A clinical social worker licensed pursuant to chapter
10 467E;
- 11 (4) A person licensed as a psychologist pursuant to
12 chapter 465;
- 13 (5) A board certified, or board eligible, licensed
14 psychiatrist; or
- 15 (6) An advanced practice registered nurse licensed
16 pursuant to chapter 457 who holds an accredited
17 national certification in an advanced practice
18 registered nurse psychiatric specialization.

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



H.B. NO. 504

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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H.B. NO. 594

Report Title:

Adolescent Mental Health Services; Payment Disclosure

Description:

Prohibits health plans and providers from disclosing to a policyholder or other covered person any payment or billing information for a minor's mental health services if the minor received the services without the consent or participation of the minor's parent or legal guardian. Specifies that the minor and the minor's parent or legal guardian are not responsible for out-of-pocket payments for minor-initiated mental health treatment or counseling services.

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