

JAN 18 2019

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# 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."



# S.B. NO. 768

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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[Signature]



# S.B. NO. 768

**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.

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

