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# 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 as follows:

3           1. By amending subsections (a) and (b) to read:

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

13 "(f) [~~As used in~~] For purposes of this section:

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

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

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



- 1           (3) A licensed clinical social worker [~~licensed~~] pursuant
- 2                   to chapter 467E;
- 3           (4) A [~~person licensed as a~~] psychologist licensed
- 4                   pursuant to chapter 465;
- 5           (5) A [~~board certified, or board eligible, licensed~~
- 6                   ~~psychiatrist,]~~ physician licensed pursuant to chapter
- 7                   453; or
- 8           (6) An advanced practice registered nurse licensed
- 9                   pursuant to chapter 457 who holds an accredited
- 10                  national certification in an advanced practice
- 11                  registered nurse psychiatric specialization.

12           "Mental health professional" means a person who is working  
13 under the supervision of a licensed mental health professional  
14 and is either enrolled in an accredited training program or has  
15 completed all licensing requirements except the hours of  
16 supervised post-degree experience or the examination required  
17 for state licensure, or both, for licensed mental health  
18 counselors pursuant to chapter 453D, for licensed marriage and  
19 family therapists pursuant to chapter 451J, for clinical social  
20 workers pursuant to chapter 467E, for psychologists pursuant to



1 chapter 465, or for advanced practice registered nurses pursuant  
2 to chapter 457.

3 "Mental health treatment or counseling services" means the  
4 provision of outpatient mental health treatment or counseling by  
5 a licensed mental health professional[-] or a mental health  
6 professional."

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

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



**Report Title:**

Mental Health Services; Minors; Interns; Mental Health Professionals

**Description:**

Authorizes mental health professionals who are enrolled in an accredited training program or have completed all licensing requirements except for experience hours or the licensing examination, or both, and are under the supervision of a licensed mental health professional, to provide minor-initiated mental health treatment or counseling services without the consent of the minor's parent or legal guardian. (SD1)

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

