

ACT 181

S.B. NO. 2886

A Bill for an Act Relating to Age of Consent for Adolescent Mental Health Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 577, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§577- 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, after consulting with the minor, determines that the involvement would be inappropriate. The licensed 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, 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 this section:

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

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

- (1) A person licensed as a mental health counselor pursuant to chapter 453D;
- (2) A person licensed as a marriage and family therapist pursuant to chapter 451J;
- (3) A clinical social worker licensed pursuant to chapter 467E;
- (4) A person licensed as a psychologist pursuant to chapter 465; or
- (5) A board certified, or board eligible, licensed psychiatrist."

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2016.

(Approved July 1, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.