

1-8-96 Human Res

FILED JAN 8 1996

SENATE FILE 2016
BY SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the provision of outpatient services and
2 treatment to minors with mental illness at community mental
3 health centers without the consent of a parent or legal
4 guardian.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA;

S.F. 2016

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1 Section 1. NEW SECTION. 230A.19 SERVICES AND TREATMENT
2 TO MINORS.

3 1. A minor may apply for and consent to receiving
4 outpatient mental health services or treatment at a community
5 mental health center and a community mental health center may
6 provide outpatient mental health services or treatment to the
7 minor applicant, without the consent or knowledge of the
8 minor's parent or legal guardian.

9 2. The fact that the minor sought, received, or is
10 receiving outpatient mental health services or treatment shall
11 not be reported or disclosed to the parent or legal guardian
12 of the minor without the minor's consent, unless the mental
13 health professional providing the services or treatment to the
14 minor determines that a compelling need for disclosure exists
15 based upon a substantial probability of harm to the minor or
16 to other persons, and the minor is notified of the mental
17 health professional's intent to inform the minor's parent or
18 legal guardian.

19 3. Outpatient mental health services or treatment provided
20 to a minor without the consent of a parent or legal guardian
21 under this section shall be limited to not more than six
22 sessions or thirty days of services or treatment, whichever
23 occurs earlier. Following completion of the six sessions or
24 thirty days of outpatient services or treatment, the mental
25 health professional shall terminate services to the minor or,
26 with the minor's consent, notify the parent or legal guardian
27 to obtain consent to provide subsequent outpatient services or
28 treatment.

29 4. The minor's parent or legal guardian is not liable for
30 the costs of outpatient services or treatment provided to a
31 minor without the consent of the parent or legal guardian, and
32 a minor shall not be compelled to obtain consent or to agree
33 to disclosure of the fact that the minor has sought, received,
34 or is receiving outpatient services or treatment in order to
35 obtain financial reimbursement from a minor's parent or an

1 insurer of the minor's parent. A community mental health
2 center shall not deny outpatient services or treatment to a
3 minor based upon the minor's inability to provide financial
4 reimbursement.

5 5. If a minor consents to outpatient mental health
6 services or treatment without obtaining the consent of a
7 parent or guardian, the minor shall not subsequently disaffirm
8 the consent by reason of minority.

9 6. For the purposes of this section, "mental health
10 professional" means a mental health professional as defined in
11 section 228.1 who provides outpatient mental health services
12 or treatment through a community mental health center.

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EXPLANATION

14 This bill provides for the application for and provision of
15 outpatient mental health services or treatment by a community
16 mental health center to a minor with the minor's consent and
17 without the consent of a parent or legal guardian of the
18 minor. The bill prohibits the disclosure of the fact that the
19 minor sought, received, or is receiving services or treatment
20 to a parent or legal guardian of the minor without the minor's
21 consent, unless the mental health professional treating or
22 providing services to the minor determines that a compelling
23 need for disclosure exists based on a substantial probability
24 of harm to the minor or to other persons and the minor is
25 notified of the mental health professional's intent to inform
26 the minor's parent or legal guardian.

27 The bill limits the outpatient services or treatment which
28 may be provided to a minor without the consent of a parent or
29 legal guardian to six sessions or 30 days, whichever occurs
30 earlier, and provides that once the limited number of sessions
31 or days is completed, the mental health professional must
32 terminate services or, with the minor's consent, notify the
33 parent or legal guardian to obtain consent to provide
34 subsequent outpatient mental health services or treatment.

35 The bill provides that the minor's parent or legal guardian

1 is not liable for payment of the costs of services or
2 treatment provided to a minor without the consent of the
3 parent or legal guardian and that a minor shall not be
4 compelled to obtain consent or to agree to disclosure of the
5 fact that the minor sought, is receiving, or received
6 outpatient services or treatment in order to obtain financial
7 reimbursement for the community mental health center. The
8 bill also prohibits a community mental health center from
9 denying outpatient services or treatment to a minor based upon
10 the minor's inability to provide financial reimbursement.

11 The bill provides that if a minor consents to outpatient
12 services or treatment without obtaining the consent of a
13 parent or legal guardian, the minor shall not subsequently
14 disaffirm the consent by reason of minority.

15 "Mental health professional" is defined for the purposes of
16 the bill.

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