

FILED JAN 30 1996

SENATE FILE **2103**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2016)

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:

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S.F. 2103

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 mental health professional
6 affiliated with a community mental health center may provide
7 outpatient mental health services or treatment to the minor
8 applicant, without the consent or knowledge of the minor's
9 parent or legal guardian.

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

20 3. Outpatient mental health services or treatment provided
21 to a minor without the consent of a parent or legal guardian
22 under this section shall be limited to not more than six
23 sessions or thirty days of services or treatment, whichever
24 occurs earlier. Following completion of the six sessions or
25 thirty days of outpatient services or treatment, the mental
26 health professional shall 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. Outpatient services or
2 treatment shall not be denied to a minor based upon the
3 minor's inability to provide financial reimbursement; however,
4 outpatient services or treatment may be limited in accordance
5 with subsection 3.

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

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

14 EXPLANATION

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

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

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

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

17 "Mental health professional" is defined for the purposes of
18 the bill.

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SENATE FILE 2103

S-5403

1 Amend Senate File 2103 as follows:
2 1. Page 2, by inserting after line 13 the
3 following:
4 "7. The costs of outpatient mental health services
5 or treatment provided to a minor pursuant to this
6 section, for whom financial reimbursement from the
7 minor's parent or an insurer of the minor's parent is
8 not available, are not required to be reimbursed
9 through taxes levied by a county or by other county
10 funds but may be reimbursed by funds allocated to a
11 county by the state or federal government."

By NANCY BOETTGER
MARY KRAMER

S-5403 FILED MARCH 19, 1996

SENATE FILE 2103

S-5033

1 Amend Senate File 2103 as follows:
2 1. Page 1, by striking lines 22 through 25 and
3 inserting the following: "under this section shall be
4 limited to not more than two sessions of service or
5 two sessions of treatment within a period of two
6 consecutive weeks. Following completion of the two
7 sessions of outpatient services or treatment, the
8 mental".

By NANCY BOETTGER
MARY E. KRAMER

Adopted 3/20/96
(R 905)
S-5033 FILED FEBRUARY 1, 1996

SENATE FILE 2103

S-5434

1 Amend Senate File 2103 as follows:
2 1. Page 2, by inserting after line 13 the
3 following:
4 "7. The costs of outpatient mental health services
5 or treatment provided to a minor pursuant to this
6 section, for which financial reimbursement is not
7 otherwise available, are not required to be reimbursed
8 through taxes levied by a county or by other county
9 funds but may be reimbursed by funds allocated to a
10 county by the state or federal government."

By NANCY BOETTGER SHELDON RITTNER
MAGGIE TINSMAN BERL E. PRIEBE

S-5434 FILED MARCH 20, 1996