

 Behavioral Health Department Alameda County Health	Signed by:  By: <u>BA167CA0C0D44A...</u> Karyn L. Tribble, PsyD, LCSW, Director
POLICY TITLE Ensuring Privacy of Minor Services When Parent/Guardian Involvement is Not Appropriate	Policy No: 300-6-1 Date of Original Approval: 10/19/2025 Date(s) of Revision(s):

PURPOSE

The purpose of this policy is to inform Alameda County Behavioral Health Department (ACBHD) providers, subcontractors, and administrative units of privacy requirements related to minor consent for behavioral health services. It ensures compliance with California law and Health Insurance Portability and Accountability Act (HIPAA) privacy protections, safeguarding confidential information for minors who consent to their own treatment.

AUTHORITY

- [California Assembly Bill 665 \(AB 665\)](#)
- [California Family Code \(FC\) § 6920-6930](#)
- [California Health & Safety Code § 124260](#)
- [California Department of HealthCare Services \(DHCS\) Behavioral Health Information Notice \(BHIN\) 24-046 \(and any that supersedes it\)](#)
- [Medi-Cal Minor Consent Services Provider Manual](#)
- [Medi-Cal Eligibility Procedures Manual - Article 4V Minor Consent](#)

SCOPE

This policy applies to all ACBHD operated clinics, administrative units, and agencies subcontracted by ACBHD. In California, services to minors are largely defined in [CA Family Code, Division 11](#). Nothing in this policy supersedes or supplants state or federal law regarding definition of minors, consent to treatment by minors, or services to minors.

BACKGROUND

State law ([FC §§ 6924, 6929](#)) requires that outpatient behavioral health treatment or counseling of a minor shall involve the parent or guardian unless, after consulting with the minor, the professional person treating or counseling the minor determines that the involvement would not be appropriate. When involvement of the parent or guardian is determined to be inappropriate, confidential information must be suppressed to prevent any communication that would violate the minor's confidentiality from being delivered to the minor's parent or guardian.

POLICY

It is the policy of ACBHD that all administrative units, county-operated clinics, and subcontractors shall protect the confidentiality of services when a minor has consented to treatment where involvement of the parent or guardian is deemed, per the requirements described in California Family Code, not to be appropriate.

PROCEDURE

All ACBHD units, programs, and subcontracted providers that engage with Alameda County Medi-Cal members, whether through direct service or administrative support, shall develop or amend existing policies, procedures, and workflows to ensure the confidentiality of services provided to minors. In circumstances where an entity does not have access to clinical consent determinations (e.g., parental involvement deemed inappropriate), that entity should take precautionary measures to protect all communications related to minors aged 12–17, until such processes are developed. This includes limiting disclosures that may inadvertently reveal treatment details until appropriate documentation or consent status can be verified.

This policy is not intended to restrict legally allowable sharing of information, but to protect the privacy of services to minors when it is determined that parent or guardian involvement is not appropriate.

Examples of communication that could violate a minor’s privacy—when the minor has consented to services and parental involvement has been deemed inappropriate—include, but are not limited to:

- Acknowledgement of treatment.
- Medical records and billing statements.
- Notifications, including appointment reminders, Explanation of Benefits (EOBs), service verifications, and/or Notices of Adverse Benefit Determination (NOABDs).
- Information shared in online health portals or applications.
- Sharing confidential treatment information with individuals or organizations (e.g., teachers, other health professionals, child protective services) that interact with the minor’s parents or guardians.
- Any additional notifications or communication that violate the confidentiality of a minor’s treatment, not otherwise mentioned in this policy, shall also be suppressed.

ADDITIONAL REQUIREMENTS

1. Documentation of Rationale in the Medical Record
 - Per CA Family Code 6924(d), “the professional person who is treating or counseling the minor shall state in the client record whether and when the person attempted to contact the minor’s parent or guardian, and whether the attempt to contact was successful or unsuccessful, or the reason why, in the professional person’s opinion, it would be inappropriate to contact the minor’s parent or guardian.”
2. Access Control and Record Segregation
 - Behavioral health providers must implement system safeguards ensuring that minor consent service records are segregated and restricted to authorized personnel only.
3. Provider Training and Compliance Monitoring

- Providers shall receive ongoing training on confidentiality laws (e.g., [HIPAA/42 CFR Part 2 - Confidentiality of Substance Use Disorder Patient Records](#)), and operational protocols for managing minor consent
4. Consent Management
 - Providers must use standardized consent forms to obtain minor release of information authorization, documenting any restrictions on parental access to records.
 5. Emergency and Mandated Reporting Protocols
 - Providers must follow [California Child Abuse and Neglect Reporting Act \(CANRA\)](#) guidelines when disclosures are legally required despite minor consent protections.

ADDITIONAL RESOURCES

DHCS has published an informative [AB-665 FAQ](#). Also, the [National Center for Youth Law](#) and [Teen Health Law](#) provide some useful resources about [California's minor consent laws](#).

NON-COMPLIANCE

- Non-compliance with this policy refers to non-compliance with State privacy and consent laws as they relate to behavioral health services to minors.
- In the event of non-compliance, ACBHD Privacy and Compliance Officer shall be informed as soon as possible.
- Staff shall not face retribution for submitting a notice of non-compliance.
- Staff shall submit a report of non-compliance to ACBHD Privacy and Compliance Officer.
- Due to the importance of maintaining privacy of treatment services, non-compliance reports shall be submitted as soon as awareness of non-compliance is known.
- In the case of an emergency situation due to non-compliance with this policy (e.g., breach or potential breach of privacy of a minor's services when parent or guardian contact has been determined to not be appropriate), contact ACBHD Privacy and Compliance Officer immediately for consultation.
- Any communication that contains protected health information or otherwise confidential information should be sent through secure methods such as email with secure encryption.

CONTACT

ACBHD Office	Current As Of	Email
ACH/ACBHD Office of Compliance Services (OCS)	10/16/2025	achealth.compliance@acgov.org
ACBHD Quality Assurance Office	10/16/2025	QAOoffice@acgov.org

DISTRIBUTION

This policy will be distributed to the following:

- ACBHD Clinical and Administrative Staff
- ACBHD Contract Providers
- Public

ISSUANCE AND REVISION HISTORY

Original Authors: Brion Phipps, Interim Quality Assurance Associate Administrator

Original Date of Approval: 10/19/2025 by Dr. Karyn L. Tribble, PsyD, LCSW, Behavioral Health Director

Revision Author	Reason for Revision	Date of Approval by (Name, Title)

DEFINITIONS

Term	Definition
Minor	CA Family Code, Division 11, Part 4, Chapter 3 , for both mental health and substance use treatment, defines minors as individuals between the ages of 12 and 17.

APPENDICES

None