

MEMORANDUM –

DATE: January 16, 2024
 TO: Alameda County Behavioral Health (ACBH) Providers
 FROM: Torfeh Rejali, Quality Assurance (QA) Administrator *Torfeh Rejali*
 SUBJECT: **Upcoming Changes to Minor Consent Laws**

This memorandum is to announce approval of [Assembly Bill No. 665](#) that will align existing laws related to minor legal consent to mental health treatment on an outpatient basis or to residential shelter services, and Medi-Cal reimbursement rules related to minor consent.

Overview of Changes

Existing laws related to minor consent, in both [Health and Safety Code 124260](#) and [Family Code 6924](#) are inconsistent, creating confusion and barriers to care. Where the Health and Safety Code allows for minors who are 12 years or older to consent to mental health services if in the opinion of the attending professional the minor is mature enough to participate intelligently in treatment, the Family Code requires that in addition to the above, the minor present a danger of serious harm to themselves or others without mental health services or be an alleged victim of incest or child abuse.

Additionally, currently Medi-Cal only reimburses for services if a minor consents to mental health treatment under the provisions of the Health and Safety Code, and not the Family code.

Assembly Bill No 665 approved by Governor on October 7, 2023 aligns the two laws and simplifies the requirements related to minor consent to mental health treatment on an outpatient basis and for residential shelter services. The minor consent to treatment excludes convulsive therapy, psychosurgery and psychotropic drugs.

Changes Related to Minor Consent

The table below shows some of the changes to [Family Code 6924](#) resulting from [Assembly Bill No. 665](#). These changes become effective **on July 1, 2024**.

Current	Change
<p>A minor who is 12 years of age or older can consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services if both of these requirements are satisfied:</p> <ol style="list-style-type: none"> 1) The minor, in the opinion of the attending professional, is mature enough to participate intelligently in services. 2) The minor would A) present a danger of serious physical or mental harm to themselves or others or B) is the alleged victim of incest or child abuse. 	<p>This bill removes the requirement that, in order to consent to mental health treatment, the minor must present a danger of serious physical or mental harm to themselves or to others, or be the alleged victim of incest or child abuse.</p>



<p>The minor’s mental health treatment or counseling must include involvement of the minor’s parent or guardian unless the professional person treating or counseling the minor determines that the involvement would be inappropriate.</p>	<p>This bill requires the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the minor’s parent or guardian would be inappropriate. This decision and any attempts to contact parents must be documented in the minor’s record.</p> <p>NOTE: Even if in consultation with the minor, it is determined that the minor’s parents can be informed and involved in treatment, a signed Release of Information from the minor is required to release medical records to the minor’s parents.</p>
<p>Existing law defines professional person for these purposes to include, among other things, a mental health professional, a marriage and family therapist, a licensed educational psychologist, a clinical psychologist, the chief administrator of an agency, and a licensed professional clinical counselor, as defined.</p>	<p>This bill adds registered psychologist, registered psychological assistant, psychological trainee, associate clinical social worker, social work intern, and clinical counselor trainee, working under the supervision of a licensed professional, and a board-certified psychiatrist, to the definition of professional person.</p>

Changes Related to Medi-Cal Billing

With the alignment of the Health and Safety Code 124260 and Family Code 6924, Medi-Cal can be billed for mental health outpatient and residential shelter services when a minor consents to services, as long as the provisions of Family Code 6924 are met.

Per [Medi-Cal Eligibility Procedures Manual](#), section: 50147.1; 50163, persons under 21 years of age may apply for Minor Consent Medi-Cal coverage without their parents’ consent or knowledge. Minors must apply for minor consent services themselves. Parent(s) may not apply on behalf of their minor child. Additionally, parents shall not be required to contribute to the cost of minor consent services. However, they are required to pay for their share of any services they participate in (e.g. family counseling). For more information regarding Medi-Cal eligibility, contact the [Alameda County Social Services Agency](#).

Other Resources

[California Minor Consent and Confidentiality Laws](#) – revised December 2023

Action Steps

Please communicate this change to your teams as appropriate.
For questions, please contact QATA@acgov.org.