

AMENDED IN ASSEMBLY AUGUST 20, 2010  
AMENDED IN ASSEMBLY SEPTEMBER 3, 2009  
AMENDED IN ASSEMBLY JULY 7, 2009  
AMENDED IN ASSEMBLY JUNE 25, 2009  
AMENDED IN SENATE JUNE 1, 2009  
AMENDED IN SENATE MAY 13, 2009

**SENATE BILL**

**No. 543**

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**Introduced by Senator Leno**

February 27, 2009

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*An act to add Part 3.9 (commencing with Section 5849.10) to Division 5 of the Welfare and Institutions Code, relating to mental health. An act to add Article 3 (commencing with Section 124260) to Chapter 4 of Part 2 of Division 106 of the Health and Safety Code, and to add Section 14029.8 to the Welfare and Institutions Code, relating to mental health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 543, as amended, Leno. Minors: consent to mental health ~~treatment.~~ *services.*

Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling, except as specified, on an outpatient basis, or to residential shelter services, ~~as if specified conditions are met.~~

This bill would, notwithstanding any provision of law, instead, provide that a minor who is 12 years of age or older may consent to outpatient mental health services, if, in the opinion of the professional person, as

defined, the minor is mature enough to participate intelligently in the mental health treatment or counseling services. The bill would expand the definition of a professional person to include a licensed clinical social worker, as specified, and a board certified or board eligible psychiatrist.

*Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.*

*This bill would provide that the above mental health services will not apply to the receipt of benefits under the Medi-Cal program.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Part 3.9 (commencing with Section 5849.10) is~~  
2     ~~added to Division 5 of the Welfare and Institutions Code, to read:~~

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4     ~~PART 3.9. MENTAL HEALTH SERVICES FOR MINORS~~

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6     ~~5849.10. (a) As used in this section:~~

7     ~~SECTION 1. Article 3 (commencing with Section 124260) is~~  
8     ~~added to Chapter 4 of Part 2 of Division 106 of the Health and~~  
9     ~~Safety Code, to read:~~

10  
11             ~~Article 3. Mental Health Services for Minors~~

12  
13     ~~124260. (a) As used in this section:~~

14     ~~(1) “Mental health treatment or counseling services” means the~~  
15     ~~provision of outpatient mental health treatment or counseling by~~  
16     ~~a professional person, as defined in paragraph (2).~~

17     ~~(2) “Professional person” means any of the following:~~

18     ~~(A) A person designated as a mental health professional in~~  
19     ~~Sections 622 to 626, inclusive, of Title 9 of the California Code~~  
20     ~~of Regulations.~~

21     ~~(B) A marriage and family therapist as defined in Chapter 13~~  
22     ~~(commencing with Section 4980) of Division 2 of the Business~~  
23     ~~and Professions Code.~~

1 (C) A licensed educational psychologist as defined in Chapter  
2 13.5 (commencing with Section 4989.10) of Division 2 of the  
3 Business and Professions Code.

4 (D) A credentialed school psychologist as described in Section  
5 49424 of the Education Code.

6 (E) A clinical psychologist as defined in Section 1316.5 of the  
7 Health and Safety Code.

8 (F) A licensed clinical social worker as defined in Chapter 14  
9 (commencing with Section 4991) of Division 2 of the Business  
10 and Professions Code.

11 (G) A marriage and family therapist registered intern, as defined  
12 in Chapter 13 (commencing with Section 4980) of Division 2 of  
13 the Business and Professions Code, while working under the  
14 supervision of a licensed professional specified in subdivision (f)  
15 of Section 4980.40 of the Business and Professions Code as that  
16 subdivision read on January 1, 2003.

17 (H) A board certified, or board eligible, psychiatrist.

18 (b) Notwithstanding any provision of law to the contrary, a  
19 minor who is 12 years of age or older may consent to mental health  
20 treatment or counseling services if, in the opinion of the attending  
21 professional person, the minor is mature enough to participate  
22 intelligently in the mental health treatment or counseling services.

23 (c) ~~The~~ *Notwithstanding any provision of law to the contrary,*  
24 *the* mental health treatment or counseling of a minor authorized  
25 by this section shall include involvement of the minor's parent or  
26 guardian, unless the professional person who is treating or  
27 counseling the minor, after consulting with the minor, determines  
28 that the involvement would be inappropriate. The professional  
29 person who is treating or counseling the minor shall state in the  
30 client record whether and when the person attempted to contact  
31 the minor's parent or guardian, and whether the attempt to contact  
32 was successful or unsuccessful, or the reason why, in the  
33 professional person's opinion, it would be inappropriate to contact  
34 the minor's parent or guardian.

35 (d) The minor's parent or guardian is not liable for payment for  
36 mental health treatment or counseling services provided pursuant  
37 to this section unless the parent or guardian participates in the  
38 mental health treatment or counseling, and then only for services  
39 rendered with the participation of the parent or guardian.

1 (e) This section does not authorize a minor to receive convulsive  
2 therapy or psychosurgery as defined in subdivisions (f) and (g) of  
3 Section 5325 of the Welfare and Institutions Code, or psychotropic  
4 drugs without the consent of the minor's parent or guardian.

5 *SEC. 2. Section 14029.8 is added to the Welfare and Institutions*  
6 *Code, to read:*

7 *14029.8. Section 124260 of the Health and Safety Code shall*  
8 *not apply to the receipt of benefits under the Medi-Cal program.*