
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 577-29, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§577-29 Mental health services relating to minors;
4 diagnosis, counseling, and related activities. (a)

5 Notwithstanding any other law to the contrary, a minor who is
6 fourteen years of age or older may consent to mental health
7 treatment or counseling services provided by a licensed mental
8 health professional or mental health professional if, in the
9 opinion of the licensed mental health professional [7] or mental
10 health professional, the minor is mature enough to participate
11 intelligently in the mental health treatment or counseling
12 services; provided that the consent of the minor's parent or
13 legal guardian shall be required to prescribe medication to the
14 minor or to place the minor into an out-of-home or residential
15 treatment program.

16 (b) The mental health treatment or counseling services
17 provided to a minor as authorized by this section shall include



1 involvement of the minor's parent or legal guardian, unless the
2 licensed mental health professional[7] or the mental health
3 professional, after consulting with the minor, determines that
4 the involvement would be inappropriate. The licensed mental
5 health professional or the mental health professional shall
6 state in the client record whether and when the treating
7 clinician attempted to contact the minor's parent or legal
8 guardian, and whether the attempt to contact was successful or
9 unsuccessful, or the reason why, in the treating licensed mental
10 health professional's opinion[7] or the mental health
11 professional's opinion, it would be inappropriate to contact the
12 minor's parent or guardian.

13 (c) A minor may not abrogate consent provided by a parent
14 or legal guardian on the minor's behalf. A parent or legal
15 guardian may not abrogate consent given by the minor on the
16 minor's own behalf.

17 (d) If a minor consents to receive mental health treatment
18 or counseling services pursuant to this section, the minor shall
19 not be liable for payment.

20 (e) The minor's parent or legal guardian is not liable for
21 payment for mental health treatment or counseling services



1 provided pursuant to this section unless the parent or guardian
2 participates in the mental health treatment or counseling
3 services, and then only for services rendered with the
4 participation of the parent or guardian.

5 (f) ~~[As used in]~~ For purposes of this section~~[-]~~ only:

6 "Licensed mental health professional" means ~~[any of the~~
7 ~~following-]~~ a person who provides counseling as part of the
8 following professions:

- 9 (1) A ~~[person]~~ licensed ~~[as a]~~ mental health counselor
10 pursuant to chapter 453D;
- 11 (2) A ~~[person]~~ licensed ~~[as a]~~ marriage and family
12 therapist pursuant to chapter 451J;
- 13 (3) A licensed clinical social worker ~~[licensed]~~ pursuant
14 to chapter 467E;
- 15 (4) A ~~[person]~~ licensed ~~[as a]~~ psychologist pursuant to
16 chapter 465;
- 17 (5) A ~~[board certified, or board eligible, licensed~~
18 ~~psychiatrist, or]~~ licensed physician pursuant to
19 chapter 453; or
- 20 (6) ~~[An]~~ A licensed advanced practice registered nurse
21 ~~[licensed]~~ pursuant to chapter 457 who holds an



1 accredited national certification in an advanced
2 practice registered nurse psychiatric specialization.
3 "Mental health professional" means a person who is working
4 under the supervision of a licensed mental health professional
5 and either is enrolled in an accredited training program, or has
6 completed all licensing requirements except the hours of
7 supervised post-degree experience or the examination required
8 for state licensure for licensed mental health counselors
9 pursuant to chapter 453D, for licensed marriage and family
10 therapists pursuant to chapter 451J, for clinical social workers
11 pursuant to chapter 467E, for psychologists pursuant to chapter
12 465, or for advanced practice registered nurses pursuant to
13 chapter 457.

14 "Mental health treatment or counseling services" means the
15 provision of outpatient mental health treatment or counseling by
16 a licensed mental health professional[-] or a mental health
17 professional."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Mental Health Services; Minors; Interns

Description:

Authorizes mental health professionals who have not yet achieved licensure but are working under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors. (HB580 HD1)

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