STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
P.O. BOX 942732
SACRAMENTO, CA 94234-7320
(916) 657-2941

August 8, 1994

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

Letter No.: 94-63

MINOR CONSENT MENTAL HEALTH SERVICES

The purpose of this letter is to clarify Title 22, California Code of Regulations (CCR), Section 50147.1(c), which addresses A Child Applying for Medi-Cal, on the basis of a need for mental health care. It has come to our attention, through phone calls received from various county welfare and mental health departments, and mental health providers, that there is some confusion about what services are included under minor consent mental health services. California Family Code, (FAM.C). Section 6924 (formerly Civil Code 25.9) states that a **minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis.**

Whether the minor is requesting mental health treatment or service, the minor must meet the following conditions:

1. In the opinion of the attending mental health professional, the minor is mature enough to participate intelligently in the outpatient services.

2. The minor would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling, or is an alleged victim of incest or child abuse.

Medi-Cal will pay for the following services under minor consent services:

> **Mental health treatment or counseling services,** defined as "the provision of mental health treatment or counseling on an outpatient basis". This does not include inpatient services under any circumstances.

A number of counties have in their possession a copy of a letter dated January 24, 1991 addressed to Ms. Mary Coughlan of San Mateo County Department of Social Services. This letter describes circumstances under which minor consent mental health would cover inpatient services. This letter does not accurately reflect Medi-Cal Eligibility Branch's policy regarding minor consent mental health services and should be disregarded. Medi-Cal providers will be informed that minor consent mental health does not cover inpatient services through a Medi-Cal Provider Bulletin.

The intent of the law is to provide minors access to mental health services without the consent of their parents, without their parents' knowledge, and without their parents being liable for payment. Title 22, CCR, Section 50147.1 (f) states "The parents of a child applying in accordance with (b) or (c) shall neither be contacted regarding the child's application nor informed that application has occurred". However, there is a requirement to involve the minor's parent or guardian unless, in the opinion of the mental health professional who is treating or counseling the minor, the involvement would be inappropriate (FAM.C Section 6424(d)). If the parent or guardian participates in the mental health treatment or counseling, they are liable for the services provided with their participation.

Title 22, CCR, Section 50147.1(c) requires a written statement from a mental health professional stating that the minor meets the conditions for minor consent mental health services if this statement includes the length of time the mental health professional estimates the minor will need the service, then the minor is not required to bring a new statement each month at reapplication for the length indicated in the original statement.

Section 50147.1(c) also includes the names of the mental health professionals who may submit a statement of need on behalf of a minor. To this list is added **psychiatrists and licensed clinical social workers**, as defined by Section 623 and 625 of Title 9 of the California Code of Regulations.

In summary, minor consent mental health services include solely outpatient mental health services. **Inpatient mental health services are not included.** As in all minor consent services, only minors who are considered living with a parent or guardian are eligible for minor consent mental health services (for example, a minor who is away attending school but is still supported by his/her parents).

A future All County Welfare Directors Letter (ACWDL) will be issued covering Severely Emotionally Disturbed children and minor consent mental health services.

This ACWDL will be followed by a procedure letter. If you have any questions about this letter, please contact Ms. Deborah Wender of my staff at (916) 657-1064.

Sincerely,

ORIGINAL SIGNED BY

FRANK S. MARTUCCI, Chief
Medi-Cal Eligibility Branch