



DATE: December 30, 2024

Behavioral Health Information Notice No: 24-046

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Program
California Association of Mental Health Peer Run Organizations
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professional
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators

SUBJECT: Minor Consent to Outpatient Mental Health Treatment or Counseling

PURPOSE: Provides guidance to Mental Health Plans (MHPs) regarding the provision of outpatient Specialty Mental Health Services to minors as required by Assembly Bill (AB) 665 (Chapter 338, Statutes of 2023).

REFERENCE: Health and Safety Code (HSC) section 124260; Family Code (FC) section 6924; Welfare and Institutions Code (W&I) sections 14184.102, subdivision (d), & 14029.8; Medi-Cal Eligibility Division Information Letter No.: I 23-60

BACKGROUND

[AB 665](#) amends certain statutory sections that allow minors 12 years of age or older to consent to outpatient mental health treatment or counseling under certain circumstances.^{1,2}

Before July 1, 2024, minors could consent to Medi-Cal outpatient mental health treatment or counseling without a parent or guardian's consent *only* if:

- (1) the minor would present a danger of serious physical or mental harm to self or others without the mental health treatment or counseling or was the alleged victim of incest or child abuse; **and**
- (2) the minor, in the opinion of the attending professional person, was mature enough to participate intelligently in the outpatient services.

AB 665, effective July 1, 2024, removed requirement (1) above, that a minor must present a danger of serious physical or mental harm to self or others without mental health treatment or be an alleged victim of incest or child abuse to consent to outpatient mental health treatment or counseling. In doing so, AB 665 aligns FC section 6924 with similar law that authorizes a minor who is 12 years of age or older to consent to outpatient mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently.³

AB 665 also aligns with existing law by requiring the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the parent or guardian would be appropriate.⁴

POLICY

Effective July 1, 2024, without consent from a parent or guardian, minors 12 years of age or older may consent to and receive outpatient mental health treatment or counseling, including outpatient Medi-Cal Specialty Mental Health Services (SMHS) if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the outpatient services and the professional person determines that involvement of the parent or guardian would not be appropriate.⁵ The

¹ See FC, § 6924, subd. (a)-(b) [including definitions and granting right to consent].

² FC section 6924 does not authorize a minor to consent to or receive convulsive therapy or psychosurgery as defined in subdivisions (f) and (g) of section 5325 of the W&I, or psychotropic drugs, without the consent of the minor's parent or guardian. AB 665 does not change this. (See FC, § 6924, subd. (f).)

³ See HSC, § 124260, subd. (b)(1).

⁴ See HSC, § 124260, subd. (c).

⁵ See FC, § 6924, subds. (a)(1), (b).

professional person shall use their clinical judgment and expertise to make a determination regarding the minor's maturity to participate intelligently in these services.

MHPs shall ensure that minors may consent to specialty mental health outpatient treatment or counseling, and Medi-Cal Managed Care Plans (MCPs) shall ensure that minors may consent to non-specialty mental health outpatient treatment or counseling in accordance with FC section 6924 and DHCS guidance.^{6,7}

Minors already eligible for full scope Medi-Cal may consent to outpatient mental health services without applying to enroll in limited scope Medi-Cal for Minor Consent Services.

Professional Person

A "professional person" in FC section 6924 means either (1) a professional person as defined in HSC section 124260 or (2) a chief administrator of an agency referred to in FC section 6924, subdivision (a)(1) and (3).⁸ AB 665 added several professionals to the definition of a "professional person," including a registered psychologist, a registered psychosocial assistant, and a psychology trainee (while working under the supervision of a licensed professional); an associate clinical social worker; a social work intern; a clinical counselor trainee (while working under the supervision of a licensed professional); and a board-certified or board eligible psychiatrist.⁹

Parent/Guardian Involvement and Notification

State law requires that outpatient mental health treatment or counseling of a minor authorized by FC section 6924 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 be inappropriate.¹⁰ Where involvement of the parent or guardian is determined to be inappropriate, MHPs and providers shall establish and ensure safeguards are in place to suppress confidential information and prevent appointment notifications, Notice of Adverse Benefit Determination documents,

⁶ See [APL 24-019](#) and the Minor Consent Services section of the Medi-Cal Provider Manual.

⁷ AB 665 does not override W&I section 16001.9, subdivision (a)(24)(C), which provides that all children in foster care have the right, at 12 years of age or older, to consent to or decline mental health services, without the consent or knowledge of any adult.

⁸ See FC, § 6924, subd. (a)(2) [citing to the definition of "professional person" in HSC, § 124260, subd. (a)(2)].

⁹ Please note that "professional person" as defined in HSC section 124260 does not precisely align with the list of providers defined as Licensed Mental Health Professionals in California's Medicaid State Plan. However, MHPs and any provider contracted to provide SMHS are still subject to the requirements of FC section 6924, subd. (a)(1)(B).

¹⁰ FC, § 6924, subd. (d).

and any other communications that would violate the minor's confidentiality from being inappropriately delivered to the minor's parent or guardian.

Following consultation with the minor, the professional person must note their determination regarding the appropriateness of involvement of the parent or guardian in the client record, stating either:

- (1) whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful; **or**
- (2) the reason why, in the professional person's opinion, it would be inappropriate to contact the minor's parent or guardian.¹¹

For minors accessing limited scope Medi-Cal Minor Consent Services, the minor will be assigned to a separate Medi-Cal case from the parent or guardian.¹² Outpatient mental health treatment or counseling services provided through limited scope Medi-Cal are confidential, except to the extent that parent or guardian involvement is required by law.¹³

The minor's parent or guardian is not liable for payment for minor consent services unless the parent or guardian participates in the mental health treatment or counseling, and then only for the services rendered with the participation of the parent or guardian.¹⁴

Claiming and Billing

Minors consenting to and accessing services through full scope Medi-Cal without parental involvement:

There are no changes regarding claiming and billing for specialty mental health outpatient treatment or counseling services delivered to a minor enrolled in full scope Medi-Cal. MHPs shall continue to claim for those services in accordance with Medi-Cal SMHS billing guidance.

¹¹ FC, § 6924, subd. (d).

¹² See Medi-Cal Eligibility Procedures Manual, section 4V.

¹³ See FC, § 6924, subd. (d).

¹⁴ See FC, § 6924, subd. (e).

Minors accessing services through limited scope Medi-Cal Minor Consent Services:

MHPs shall continue to pay for services delivered through limited scope Medi-Cal Minor Consent Services with County funds only. MHPs shall provide and reimburse for Medi-Cal Minor Consent Services using realignment or other local funds.¹⁵

For more information, please contact countysupport@dhcs.ca.gov.

Sincerely,

Original signed by

Ivan Bhardwaj, Chief
Medi-Cal Behavioral Health – Policy Division

¹⁵ See Medi-Cal Eligibility Procedures Manual, section 4V(2).