

DATE: XX XX, 2024

Behavioral Health Information Notice No: 24-0XX

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: Assembly Bill (AB) 665: Minor Consent to Mental Health Services under Medi-Cal

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) section 14184.102, subdivision (d) W&I section 14029.8; Medi-Cal Eligibility Division Information Letter No.: I 23-60

BACKGROUND

Eligible minors may consent to and receive certain services called Minor Consent Services without parental consent, including those related to sexual assault, pregnancy and pregnancy-related services, family planning, treatment for sexually transmitted diseases, and substance use disorder treatment or counseling.¹

¹ Medi-Cal Eligibility Division (MCED) Information Letters nos. [I23-60 \(ca.gov\)](#) and [I21-09 \(ca.gov\)](#).

California law² allows minors 12 years of age and older to consent without their parent, guardian, or authorized representative's consent to receive outpatient mental health services in certain circumstances. Prior to the passage of AB 665, minors eligible for Medi-Cal could consent to Minor Consent Services *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 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.³ Prior to AB 665, minors covered by non-Medi-Cal programs were subject to a more lenient standard and could consent to mental health services if, in the opinion of the attending professional person, the minor was mature enough to participate intelligently in the services.⁴ AB 665 brought Medi-Cal into alignment with other health care programs by allowing minors to consent to mental health services in the same way.

POLICY

AB 665 amended FC section 6924 to better align with HSC section 124260. Specifically, AB 665 removes the requirement 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 and counseling.

Effective July 1, 2024, all Medi-Cal eligible minors 12 years of age or older may apply for and receive, without parental consent, outpatient 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.⁵ Unless otherwise required by law, a MHP shall not disclose information related to the minor's consent to access these services without the express consent of the minor. The MHP also shall not send notices to the minor's home address. A provider must consult with the minor before involving the parent or guardian in the minor's outpatient mental health treatment unless the provider determines that the parent or guardian's involvement would be inappropriate, after consulting with the minor.

² FC § 6924; Health & Saf. Code § 124260; but see W&I, § 14029.8 [stating that section 124260 does not apply to the receipt of benefits under the Medi-Cal program].

³ See FC, § 6924, subd. (b) (effective prior to January 1, 2024.)

⁴ See HSC§ 124260, subd. (b).

⁵ See FC, § 6924, subds. (a)(1), (b).

FC section 6924 does not authorize a minor to 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.⁶

AB 665 is inclusive of children and youth involved in foster care. Existing law, W&I section 16001.9, subdivision (a)(24)(C), 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.

Professional Person

Minors are allowed to consent to outpatient mental health treatment if a professional person deems them mature enough to participate intelligently.

"Professional person" is defined as a person designated as a mental health professional, marriage and family therapist or registered associate of a marriage and family therapist, licensed educational psychologist, credentialed school psychologist, clinical psychologist, licensed professional clinical counselor, or registered associate professional clinical counselor.

The professional person who is treating or counseling the minor shall also state in the client record whether and when the person attempted to contact the minor's parent or guardian, and whether the attempt to contact was successful or unsuccessful, and the reason why, in the professional person's opinion, it would be inappropriate to contact with the minor's parent or guardian.

Safeguard in Privacy and Confidentiality

For minors enrolled in Medi-Cal, MHPs and providers shall ensure safeguards are in place to prevent appointment notifications, Notice of Adverse Benefit Determination documents, and any other communications that would violate the minor's confidentiality from being inappropriately delivered to the minors' parents or guardians.⁷ A parent or guardian signature is not required for any treatment or other documentation needed for Minor Consent Medi-Cal services.⁸

⁶ FC, § 6924, subd. (f).

⁷Consistent with those requirements in section 56.107 of the Civil Code and section 791.29 of the Insurance Code.

⁸Per Civil Code 56.107(a)(1).

Claiming and Billing

Minor Consent Services continue to be paid for with County funds only. MHPs shall provide and reimburse for outpatient SMHS that are Minor Consent Services using realignment or other local funds.

The minor's parents or guardian are not liable for payment for outpatient SMHS that are 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.⁹

For more information and resources, please contact countysupport@dhcs.ca.gov and see revised standards for [Eligibility Procedures](#), [Medi-Cal Member Handbook](#), and the [Medi-Cal Provider Manual](#).

Sincerely,

Original signed by

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

⁹ See FC, § 6924, subd. (e).