

DATE: December 8, 2023

Medi-Cal Eligibility Division Information

Letter No.: I 23-60

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS

SUBJECT: UPDATED GUIDANCE FOR MINOR CONSENT

The purpose of this Medi-Cal Eligibility Division Information Letter (MEDIL) is to provide updated guidance for Minor Consent treatment of mental health and drug or alcohol related problems, as a result of legislative bills [AB 665](#) (Chapter 338, Statutes of 2023) and [AB 816](#) (Chapter 456, Statutes of 2023).

BACKGROUND

California Family Code provides that a minor may, without parental consent, receive services related to sexual assault, pregnancy and pregnancy-related services, family planning, sexually transmitted diseases, drug and alcohol abuse, and outpatient mental health treatment and counseling.

DHCS categorizes minor consent services by age as follows:

UNDER AGE 12:

- pregnancy and pregnancy-related care
- family planning services
- sexual assault services

AGE 12 YEARS AND OLDER:

- sexually transmitted diseases treatment
- drug and alcohol abuse treatment/counseling
- mental health outpatient care
- pregnancy and pregnancy-related care
- family planning services
- sexual assault services

A minor may receive these services on his/her own and are referred to as "minor consent services."

AB 665 - MENTAL HEALTH TREATMENT REQUIREMENT

Prior to the signing of AB 665, state law allowed a minor who is 12 years of age or older to consent to mental health treatment on an outpatient basis, based on the diagnosis by a mental health professional and the maturity of the minor. Additionally, the minor must either a) be the alleged victim of incest or child abuse, **or** b) present a danger of serious physical or mental harm to themselves or others without mental health treatment or counseling.

With the signing of AB 665, the additional requirements of the minor needing to be the alleged victim of incest or child abuse or present a danger of serious harm to self or to others to receive mental health treatment, have been removed. The minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services without meeting the additional requirements. After consulting with the minor, the mental health professional who is treating or counseling the minor, will determine if the involvement of the minor's parent or guardian would be inappropriate.

AB 816 - MEDICATION FOR OPIOID USE DISORDER

The signing of AB 816 allows a minor 16 years of age or older, without parent or guardian consent, to receive Buprenorphine as a replacement narcotic abuse treatment, also known as replacement narcotic therapy (RNT), in a narcotic treatment program (NTP). AB 816 also allows a licensed physician to utilize their clinical judgement in determining which medication would best serve the individual's needs, and not limit it to just Buprenorphine.

The Medi-Cal Eligibility Procedures Manual (MEPM) will be updated to reflect the changes in Minor Consent policy. Additional information related to the Minor Consent Program can be found in the MEPM Article [4V](#).

If you have any questions, or we can provide further information, please contact Ashley MacDonald by email at Ashley.MacDonald@dhcs.ca.gov.

Sincerely,

Yingjia Huang
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Health Care and Benefits
Department of Health Care Services