

AN ACT relating to the mental health treatment of minors.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 214.185 is amended to read as follows:

- (1) Any physician, upon consultation by a minor as a patient, with the consent of such minor may make a diagnostic examination for venereal disease, pregnancy, alcohol or other drug abuse or addiction and may advise, prescribe for, and treat such minor regarding venereal disease, alcohol and other drug abuse or addiction, contraception, pregnancy, or childbirth, all without the consent of or notification to the parent, parents, or guardian of such minor patient, or to any other person having custody of such minor patient. Treatment under this section does not include inducing of an abortion or performance of a sterilization operation. In any such case, the physician shall incur no civil or criminal liability by reason of having made such diagnostic examination or rendered such treatment, but such immunity shall not apply to any negligent acts or omissions.
- (2) Any physician *or mental health professional as defined in KRS 202A.400* may provide outpatient mental health counseling to any child age sixteen (16) or older upon request of such child without the consent of a parent, parents, or guardian of such child.
- (3) Notwithstanding any other provision of the law, and without limiting cases in which consent may be otherwise obtained or is not required, any emancipated minor or any minor who has contracted a lawful marriage or borne a child may give consent to the furnishing of hospital, medical, dental, or surgical care to his or her child or himself or herself and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of such married or emancipated minor shall not be necessary in order to authorize such care. For the purpose of this section only, a subsequent judgment of annulment of marriage or judgment of divorce shall not deprive the minor of his adult status once obtained. The provider

of care may look only to the minor or spouse for payment for services under this section unless other persons specifically agree to assume the cost.

- (4) Medical, dental, **mental health**, and other health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the **provider's**~~[professional's]~~ judgment, the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
- (5) The consent of a minor who represents that he may give effective consent for the purpose of receiving medical, dental, **mental health**, or other health services but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian, if the **provider of care**~~[person rendering the service]~~ relied in good faith upon the representations of the minor.
- (6) The **provider of care**~~[professional]~~ may inform the parent or legal guardian of the minor patient of any treatment given or needed where, in the judgment of the **provider**~~[professional]~~, informing the parent or guardian would benefit the health of the minor patient.
- (7) Except as otherwise provided in this section, parents, the Cabinet for Health and Family Services, or any other custodian or guardian of a minor shall not be financially responsible for services rendered under this section unless they are essential for the preservation of the health of the minor.