

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR GIESSEL

TO: SB 240

1 Page 1, line 1, following "Act":

2 Insert "allowing minors 16 years of age or older to consent to behavioral health  
3 and mental health services; authorizing school personnel to recommend a behavioral  
4 health or mental health professional to a child 16 years of age or older;"

5

6 Page 1, following line 3:

7 Insert new bill sections to read:

8 **\*\* Section 1. AS 14.30.171** is amended by adding a new subsection to read:

9 (c) Notwithstanding (a) of this section, school personnel may recommend a  
10 behavioral health professional or mental health professional to a child who is 16 years  
11 of age or older. In this subsection,

12 (1) "behavioral health professional" has the meaning given in  
13 AS 14.30.174(b);

14 (2) "mental health professional" has the meaning given in  
15 AS 47.30.915.

16 **\* Sec. 2. AS 14.30.174(a)** is amended to read:

17 (a) Notwithstanding AS 14.30.171(a)(3) and (5), a behavioral or mental health  
18 professional working within a public school system may, in compliance with federal  
19 education law or applicable state law,

20 (1) recommend, but not require, a psychiatric or behavioral health  
21 evaluation of a child; [AND]

22 (2) recommend, but not require, psychiatric, psychological, or  
23 behavioral treatment for a child; and

**(3) obtain informed consent from and provide behavioral or mental health services to a child who is 16 years of age or older.**

\* Sec. 3. AS 25.20.025(a) is amended to read:

(a) Except as prohibited under AS 18.16.010(a)(3),

(1) a minor who is living apart from the minor's parents or legal guardian and who is managing the minor's own financial affairs, regardless of the source or extent of income, may give consent for medical and dental services for the minor;

(2) a minor may give consent for medical and dental services if the parent or legal guardian of the minor cannot be contacted or, if contacted, is unwilling either to grant or to withhold consent; however, if [WHERE] the parent or legal guardian cannot be contacted or, when [IF] contacted, is unwilling either to grant or to withhold consent, the provider of medical or dental services shall counsel the minor keeping in mind not only the valid interests of the minor but also the valid interests of the parent or guardian and the family unit as best the provider presumes them;

(3) a minor who is the parent of a child may give consent to medical and dental services for the minor or the child;

(4) a minor may give consent for diagnosis, prevention, or treatment of pregnancy, and for diagnosis and treatment of venereal disease;

(5) a minor who is 16 years of age or older may give consent to receive outpatient behavioral or mental health services from a behavioral health professional or mental health professional; a behavioral health professional or mental health professional may not prescribe medication to a minor receiving services under this paragraph without the consent of the minor's parent or guardian; during the course of treatment, the behavioral health professional or mental health professional shall contact the minor's parents and offer to provide services to the family, unless there are clear clinical indications that doing so would be harmful to the minor receiving services, in which case the behavioral health provider or mental health provider shall document those concerns in the counseling record; in this paragraph.

(A) "behavioral health professional" has the meaning given

1                   **in AS 14.30.174(b);**

2                   **(B) "mental health professional" has the meaning given in**  
3                   **AS 47.30.915** [THE PARENT OR GUARDIAN OF THE MINOR IS  
4                   RELIEVED OF ALL FINANCIAL OBLIGATION TO THE PROVIDER OF  
5                   THE SERVICE UNDER THIS SECTION].

6                   \* **Sec. 4.** AS 25.20.025 is amended by adding a new subsection to read:

7                   (d) The parent or guardian of a minor is relieved of all financial obligation to  
8                   the provider of a service under this section."

9  
10                  Page 1, line 4:

11                  Delete "**Section 1**"

12                  Insert "**Sec. 5**"