

CS FOR SENATE BILL NO. 240(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/8/24

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act allowing minors 16 years of age or older to consent to behavioral health and**
2 **mental health services; authorizing school personnel to recommend a behavioral health**
3 **or mental health professional to a child 16 years of age or older; and relating to medical**
4 **assistance coverage for rehabilitative, mandatory, and optional services furnished or**
5 **paid for by a school district on behalf of certain children."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

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

13 (2) "mental health professional" has the meaning given in

1 AS 47.30.915.

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

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

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

8 (2) recommend, but not require, psychiatric, psychological, or
9 behavioral treatment for a child; **and**

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

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

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

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

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

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

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

29 (5) **a minor who is 16 years of age or older may give consent to**
30 **receive outpatient behavioral or mental health services from a behavioral health**
31 **professional or mental health professional; a behavioral health professional or**

1 mental health professional may not prescribe medication to a minor receiving
 2 services under this paragraph without the consent of the minor's parent or
 3 guardian; during the course of treatment, the behavioral health professional or
 4 mental health professional shall contact the minor's parents and offer to provide
 5 services to the family, unless there are clear clinical indications that doing so
 6 would be harmful to the minor receiving services, in which case the behavioral
 7 health provider or mental health provider shall document those concerns in the
 8 counseling record; in this paragraph,

9 (A) "behavioral health professional" has the meaning given
 10 in AS 14.30.174(b);

11 (B) "mental health professional" has the meaning given in
 12 AS 47.30.915 [THE PARENT OR GUARDIAN OF THE MINOR IS
 13 RELIEVED OF ALL FINANCIAL OBLIGATION TO THE PROVIDER OF
 14 THE SERVICE UNDER THIS SECTION].

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

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

18 * **Sec. 5.** AS 47.07.063(a) is amended to read:

19 (a) The department may pay medical assistance under this chapter to a school
 20 district on behalf of an eligible child, including a child with a disability, for
 21 rehabilitative and other mandatory and optional services covered under this chapter
 22 that are furnished or paid for by the school district if

23 (1) the school district and the department have entered into an
 24 agreement requiring the school district to reimburse the department for any state
 25 financial share required by the federal government;

26 (2) the rehabilitative and other mandatory and optional services are

27 [(A) INCLUDED IN THE CHILD'S INDIVIDUALIZED
 28 EDUCATION PROGRAM DEVELOPED UNDER AS 14.30.278; AND

29 (B)] otherwise eligible for reimbursement under this chapter;

30 (3) the child [IS A CHILD WITH A DISABILITY WHO]

31 (A) is eligible for medical assistance under this chapter for the

1 services; and

2 (B) complies with all applicable provisions of this chapter for
3 that assistance;

4 (4) the school district fully complies with billing, auditing, and
5 reporting required under the approved state plan described in AS 47.07.040;

6 (5) reimbursement of payment for the rehabilitative and other
7 mandatory and optional services under this section does not exceed reimbursement
8 allowable for the services under this chapter; and

9 (6) all other requirements of federal and state law are met.