

Fiscal Estimate Narratives

DHS 1/29/2018

LRB Number	17-5104/1	Introduction Number	AB-0848	Estimate Type	Original
Description Emergency outpatient mental health treatment for minors					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a minor can be treated without the consent of their parent or guardian by petitioning a county's mental health review officer for a review of a refusal or inability of the parent or guardian to provide the informed consent for outpatient mental health treatment. The petition must include the name, address, and birthdate of the minor, the name and address of the minor's parent or guardian, facts substantiating the petitioner's belief the minor needs, or does not need, mental health treatment, and any information substantiating the appropriateness of the treatment for the minor and the treatment is the least restrictive treatment consistent with the needs of the minor. The petition should include professional evaluations. After 21 days, and after consulting with the relevant county department of human services, the mental health officer will hold a hearing on the refusal or inability of the parent or guardian to provide informed consent. In the hearing, the mental health officer will issue a written order determining if the informed consent of the parent or guardian is unreasonably withheld or the refusal of the minor to provide consent is unreasonable, the minor is in need of treatment, the treatment sought is appropriate for the minor and is the least restrictive treatment available, and whether the proposed treatment is in the best interest of the minor. The mental health officer's decision is then subject to judicial review.

This bill would allow a treatment director of an outpatient mental health treatment provider to provide 30 days of outpatient mental health treatment to a minor without first obtaining informed consent of the minor's parents or guardian. The treatment could only be provided without informed consent if an emergency situation, as determined by the treatment director, exists, and if a reasonable effort has been made to obtain consent from a parent or guardian before initiating treatment. During the 30 day treatment period, the treatment director would be required to obtain informed, written consent of the minor's parent or guardian, or failing to do so, initiate a review of the minor's outpatient mental health treatment by the county's mental health review officer.

During the 30 day treatment period under this bill, no one could prescribe medications to the minor or admit of the minor to an inpatient facility or inpatient treatment facility without first obtaining the consent of the minor's parent or guardian. For services provided while parental or guardian consent has not been obtained, the treatment director should obtain the minor's consent to bill a third party for services. If the minor would not consent to billing a third party, the minor would become responsible for paying for the services and would be billed, based on their ability to pay, by the Department of Health Services.

DHS does not anticipate a fiscal impact due to this legislation.

The fiscal impact to counties is expected to be slight. Counties may incur increased costs if services provided under this bill are not fully covered by third party payers or the juveniles themselves.

Long-Range Fiscal Implications