A BILL FOR AN ACT

CONCERNING THE CONSENT OF ONE PARENT FOR A LICENSED PROFESSIONAL PERSON TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill authorizes a physician or a mental health professional (professional) to evaluate or treat a minor patient (minor) for a behavioral health disorder with the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor. The professional shall act in the best interest of the minor and
provide services for a behavioral health disorder only in accordance with the professional's own advice or recommendation. The bill defines a minor as a person who is under 15 years of age.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 12-240-146 as follows:

12-240-146. Treatment of a minor's behavioral health disorder - best interest of minor - consent of one parent - definition. (1) IN ALL CASES INVOLVING A MINOR PATIENT, A PHYSICIAN SHALL ACT IN THE BEST INTEREST OF THE MINOR AND PROVIDE SERVICES FOR A BEHAVIORAL HEALTH DISORDER ONLY IN ACCORDANCE WITH THE PHYSICIAN'S OWN ADVICE OR RECOMMENDATION. IN ORDER TO EVALUATE OR TREAT A MINOR PATIENT FOR A BEHAVIORAL HEALTH DISORDER, A PHYSICIAN NEEDS TO OBTAIN THE CONSENT OF ONLY ONE PARENT OR LEGAL GUARDIAN OF THE MINOR IF BOTH PARENTS HAVE LEGAL DECISION-MAKING AUTHORITY OVER THE MINOR.

(2) THIS SECTION DOES NOT APPLY WHEN PARENTAL CONSENT IS NOT REQUIRED TO TREAT A MINOR FOR A BEHAVIORAL HEALTH DISORDER OR WHEN THERE IS AN EXISTING COURT ORDER PROVIDING THAT THE PARENTS OR LEGAL GUARDIANS HAVE JOINT DECISION-MAKING AUTHORITY CONCERNING THE MEDICAL OR BEHAVIORAL HEALTH DECISIONS FOR THE MINOR.

(3) AS USED IN THIS SECTION, "MINOR" MEANS A PERSON WHO IS UNDER FIFTEEN YEARS OF AGE.

SECTION 2. In Colorado Revised Statutes, add 12-245-203.7 as follows:

12-245-203.7. Treatment of a minor's behavioral health
disorder - best interest of minor - consent of one parent - definition.

(1) In all cases involving a minor patient, a mental health professional licensed pursuant to Part 3, 4, 5, 6, or 8 of this article 245 shall act in the best interest of the minor and provide services for a behavioral health disorder only in accordance with the mental health professional’s own advice or recommendation. In order to evaluate or treat a minor patient for a behavioral health disorder, a mental health professional needs to obtain the consent of only one parent or legal guardian of the minor if both parents have legal decision-making authority over the minor.

(2) This section does not apply when parental consent is not required to treat a minor for a behavioral health disorder or when there is an existing court order providing that the parents or legal guardians have joint decision-making authority concerning the medical or behavioral health decisions for the minor.

(3) As used in this section, "minor" means a person who is under fifteen years of age.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.