

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public & Behavioral Health & Human Services.

HB22-1278 be amended as follows:

1 Amend printed bill, page 65, after line 5 insert:

2 **"SECTION 5.** In Colorado Revised Statutes, 12-245-203.5,
3 **amend** (1), (2), (3), (4), and (7); and **repeal** (8) as follows:

4 **12-245-203.5. Minors - consent for outpatient psychotherapy**
5 **services - immunity - definition.** (1) As used in this section, unless the
6 context otherwise requires, "mental health professional" includes a
7 professional person as defined in section 27-65-102 (17); a mental health
8 professional licensed pursuant to part 3, 4, 5, 6, or 8 of this article 245; a
9 licensed professional counselor candidate; a psychologist candidate; ~~or a~~
10 ~~school social worker licensed by the department of education~~ A CLINICAL
11 SOCIAL WORKER CANDIDATE; A MARRIAGE AND FAMILY THERAPIST
12 CANDIDATE; OR AN ADDICTION COUNSELOR CANDIDATE.

13 (2) (a) Notwithstanding any other provision of law, a mental
14 health professional ~~described in subsection (1) of this section~~ may provide
15 psychotherapy services, as defined in section 12-245-202 (14)(a), to a
16 minor who is twelve years of age or older, ~~with or~~ without the consent of
17 the minor's parent or legal guardian, if the mental health professional
18 determines that:

19 (a) (I) The minor is knowingly and voluntarily seeking such
20 services; and

21 (b) (II) The provision of psychotherapy services is clinically
22 indicated and necessary to the minor's well-being.

23 (b) A MINOR MAY NOT REFUSE PSYCHOTHERAPY SERVICES WHEN
24 A MENTAL HEALTH PROFESSIONAL AND THE MINOR'S PARENT OR LEGAL
25 GUARDIAN AGREE PSYCHOTHERAPY SERVICES ARE IN THE BEST INTEREST
26 OF THE MINOR.

27 (3) IF A MINOR VOLUNTARILY SEEKS PSYCHOTHERAPY SERVICES ON
28 THE MINOR'S OWN BEHALF PURSUANT TO SUBSECTION (2)(a) OF THIS
29 SECTION:

30 (a) The mental health professional may notify the minor's parent
31 or legal guardian of the psychotherapy services given or needed, with the
32 minor's consent, unless notifying the parent or legal guardian would be
33 inappropriate or detrimental to the minor's care and treatment;

34 (b) The mental health professional shall engage the minor in a
35 discussion about the importance of involving and notifying the minor's
36 parent or legal guardian and shall encourage such notification to help
37 support the minor's care and treatment; AND

38 (c) Notwithstanding the provisions of subsection (3)(a) of this
39 section, a mental health professional may notify the minor's parent or
40 legal guardian of the psychotherapy services given or needed, without the

1 minor's consent, if, in the professional opinion of the mental health
2 professional, the minor is unable to manage the minor's care or treatment.

3 (4) A mental health professional ~~described in subsection (1) of~~ of
4 ~~this section~~ shall fully document when the mental health professional
5 attempts to contact or notify the minor's parent or legal guardian, and
6 whether the attempt was successful or unsuccessful, or the reason why,
7 in the mental health professional's opinion, it would be inappropriate to
8 contact or notify the minor's parent or legal guardian. IF A MINOR SEEKS
9 PSYCHOTHERAPY SERVICES ON THE MINOR'S OWN BEHALF PURSUANT TO
10 SUBSECTION (2)(a) OF THIS SECTION, documentation must be included in
11 the minor's clinical record, along with a written statement signed by the
12 minor indicating that the minor is voluntarily seeking psychotherapy
13 services.

14 (7) If a minor who is receiving psychotherapy services pursuant
15 to this section communicates ~~a clear and imminent intent or threat to~~
16 ~~inflict serious bodily harm on themselves or others~~ A SERIOUS THREAT OF
17 IMMINENT PHYSICAL VIOLENCE AGAINST A SPECIFIC PERSON OR PERSONS,
18 INCLUDING A PERSON WHO IS IDENTIFIABLE BY THE PERSON'S ASSOCIATION
19 WITH A SPECIFIC LOCATION OR ENTITY, the mental health professional
20 ~~described in subsection (1) of this section~~ is subject to the notification
21 provisions of section 13-21-117 (2) AND SHALL NOTIFY THE MINOR'S
22 PARENT OR LEGAL GUARDIAN UNLESS NOTIFYING THE PARENT OR LEGAL
23 GUARDIAN WOULD BE INAPPROPRIATE OR DETRIMENTAL TO THE MINOR'S
24 CARE AND TREATMENT.

25 (8) ~~If a minor who is receiving psychotherapy services pursuant~~
26 ~~to subsections (2) and (3) of this section communicates an intent to~~
27 ~~commit suicide, the mental health professional described in subsection (1)~~
28 ~~of this section shall notify the minor's parent or legal guardian of such~~
29 ~~suicidal ideation".~~

30 Renumber succeeding sections accordingly.

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