

1 AN ACT relating to mental healthcare for unaccompanied youth.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 214.185 is amended to read as follows:

- 4 (1) Any physician, upon consultation by a minor as a patient, with the consent of such  
5 minor may make a diagnostic examination for venereal disease, pregnancy, or  
6 substance use disorder and may advise, prescribe for, and treat such minor regarding  
7 venereal disease, substance use disorder, contraception, pregnancy, or childbirth, all  
8 without the consent of or notification to the parent, parents, or guardian of such  
9 minor patient, or to any other person having custody of such minor patient.  
10 Treatment under this section does not include inducing of an abortion or  
11 performance of a sterilization operation. In any such case, the physician shall incur  
12 no civil or criminal liability by reason of having made such diagnostic examination  
13 or rendered such treatment, but such immunity shall not apply to any negligent acts  
14 or omissions.
- 15 (2) Any physician may provide outpatient mental health counseling to any child age  
16 sixteen (16) or older upon request of such child without the consent of a parent,  
17 parents, or guardian of such child.
- 18 (3) ***Any qualified mental health professional, as defined by KRS 202A.011(12), may***  
19 ***provide outpatient mental health counseling to any child who is age sixteen (16)***  
20 ***or older and is an unaccompanied youth, as defined by 42 U.S.C. sec. 11434a(6),***  
21 ***upon request of such child without the consent of a parent, parents, or guardian***  
22 ***of such child.***
- 23 **(4)** Notwithstanding any other provision of the law, and without limiting cases in which  
24 consent may be otherwise obtained or is not required, any emancipated minor or any  
25 minor who has contracted a lawful marriage or borne a child may give consent to  
26 the furnishing of hospital, medical, dental, or surgical care to his or her child or  
27 himself or herself and such consent shall not be subject to disaffirmance because of

1 minority. The consent of the parent or parents of such married or emancipated  
2 minor shall not be necessary in order to authorize such care. For the purpose of this  
3 section only, a subsequent judgment of annulment of marriage or judgment of  
4 divorce shall not deprive the minor of his adult status once obtained. The provider  
5 of care may look only to the minor or spouse for payment for services under this  
6 section unless other persons specifically agree to assume the cost.

7 ~~(5)~~~~(4)~~ Medical, dental, and other health services may be rendered to minors of any  
8 age without the consent of a parent or legal guardian when, in the professional's  
9 judgment, the risk to the minor's life or health is of such a nature that treatment  
10 should be given without delay and the requirement of consent would result in delay  
11 or denial of treatment.

12 ~~(6)~~~~(5)~~ The consent of a minor who represents that he may give effective consent for  
13 the purpose of receiving medical, dental, or other health services but who may not  
14 in fact do so, shall be deemed effective without the consent of the minor's parent or  
15 legal guardian, if the person rendering the service relied in good faith upon the  
16 representations of the minor.

17 **(7) The consent of a minor who represents that he or she may give effective consent**  
18 **for the purpose of receiving outpatient mental health counseling from a qualified**  
19 **mental health professional, but who may not in fact do so, shall be deemed**  
20 **effective without the consent of the minor's parent or legal guardian if the person**  
21 **rendering the service relied in good faith upon the representations of the minor**  
22 **after a reasonable attempt to obtain parental consent or to verify the minor's age**  
23 **and status as an unaccompanied youth.**

24 ~~(8)~~~~(6)~~ The professional may inform the parent or legal guardian of the minor patient  
25 of any treatment given or needed where, in the judgment of the professional,  
26 informing the parent or guardian would benefit the health of the minor patient.

27 ~~(9)~~~~(7)~~ Except as otherwise provided in this section, parents, the Cabinet for Health

1           and Family Services, or any other custodian or guardian of a minor shall not be  
2           financially responsible for services rendered under this section unless they are  
3           essential for the preservation of the health of the minor.