

CHAPTER 287

AN ACT concerning minor's consent for behavioral health care, designated as "Boys & Girls Clubs Keystone Law," and amending, and supplementing P.L.1968, c.230.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as follows:

C.9:17A-4 Consent by minor to treatment.

1. a. (1) The consent to the provision of medical or surgical care or services or a forensic sexual assault examination by a hospital, or public clinic, or consent to the performance of medical or surgical care or services or a forensic sexual assault examination by a health care professional, when executed by a minor who is or believes that he or she may be afflicted with a venereal disease, or who is at least 13 years of age and is or believes that he or she may be infected with the human immunodeficiency virus or have acquired immune deficiency syndrome, or by a minor who, in the judgment of the treating health care professional, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the treating healthcare professional believes that it is in the best interests of the patient not to do so. Inability of the health care professional, hospital, or clinic to locate or notify the parents or guardian shall not preclude the provision of any emergency or medical or surgical care to the minor or the performance of a forensic sexual assault examination on the minor.

(2) As used in this subsection, "health care professional" means a physician, physician assistant, nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes.

(b) When a minor believes that he or she is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2) or is suffering from alcohol dependency or is an alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for alcoholism, or in a facility licensed by the State to provide for the treatment of alcoholism, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use, drug abuse, alcohol use, or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider, or the treatment facility, as appropriate, and the patient, and neither the minor nor the minor's physician, treatment provider, or treatment facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

When a minor who is sixteen years of age or older believes that he or she is in need of behavioral health care services for the treatment of mental illness or emotional disorders, the minor's consent to temporary outpatient treatment, excluding the use or administration of medication, under the supervision of a physician licensed to practice medicine, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, including, but not limited to, a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or licensed psychologist, or in an outpatient health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.),

shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for behavioral health care services for mental illness or emotional disorders that is consented to by a minor shall be considered confidential information between the physician, the individual licensed to provide professional counseling, the advanced practice nurse, or the health care facility, as appropriate, and the patient, and neither the minor nor the minor's physician, professional counselor, nurse, or outpatient health care facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent.

The consent of no other person or persons, including but not limited to, a spouse, parent, custodian, or guardian, shall be necessary in order to authorize a minor to receive such hospital services, facility, or clinical care or services, medical or surgical care or services, or counseling services from a physician licensed to practice medicine, an individual licensed or certified to provide treatment for alcoholism, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, as appropriate, except that behavioral health care services for the treatment of mental illness or emotional disorders shall be limited to temporary outpatient services only.

C.9:17A-4.2 Information provided relative to certain behavioral health provisions.

2. The Department of Children and Families shall prepare and make available on the department's Internet website, in an easily printable format, information on the behavioral health provisions of section 1 of P.L.1968, c.230 (C.9:17A-4), including, but not limited to, the provisions which specify that a minor's consent to treatment under the supervision of a licensed physician, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes is to be considered valid and binding as if the minor had achieved the age of majority, and the provisions which specify that treatment consented to by a minor is to be considered confidential information.

C.9:17A-4.3 Construction.

3. Nothing in section 1 of P.L.1968, c.230 (C.9:17A-4) shall be construed to:

- a. require a provider to continue to provide behavioral or mental health treatment to a minor if, in the provider's professional judgment, the consent or participation of the minor's parents is necessary for the proper care of the minor; or
- b. allow a minor to refuse consent to mental or behavioral health treatment, except as may be otherwise authorized by law, when both the minor's provider and the minor's parents deem such treatment to be necessary.

C.9:17A-4.4 Rules, regulations.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Commissioner of the Department of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations necessary to implement the provisions of this act.

5. This act shall take effect immediately.

Approved January 19, 2016.