




SUD SERVICES BULLETIN

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| Approval: Joseph Rangel, Division Manager Contracts Division-Mental Health and Substance Use Disorder Services  | Function: <input checked="" type="checkbox"/> Treatment <input type="checkbox"/> Prevention <input type="checkbox"/> Education/Training <input type="checkbox"/> Fiscal <input type="checkbox"/> Other | Supersedes Bulletin/SAS Letter No.: N/A | |

PURPOSE:

This Bulletin is being issued to inform agencies providing adolescent substance use disorder (SUD) treatment services in Fresno County of the documentation requirements for Minor Consent treatment services.

DISCUSSION:

The purpose of Minor Consent is to allow adolescent clients twelve years of age or older to consent to receive medically necessary substance use disorder (SUD) treatment services, with or without parental knowledge and/or consent, as allowed by California Family Code (Cal. Fam. Code) § 6929. Any and all documentation as required below by Cal. Fam. Code § 6929 must be included in the client file.

“The treatment plan of a minor authorized by this section shall include the involvement of the minor's parent or guardian, if appropriate, as determined by the professional person or treatment facility treating the minor. The professional person providing medical care or counseling to a minor shall state in the minor's treatment record whether and when the professional person attempted to contact the minor's parent or guardian, and whether the attempt to contact the parent or guardian was successful or unsuccessful, or the reason why, in the opinion of the professional person, it would not be appropriate to contact the minor's parent or guardian.”

Examples of a professional person as defined in Cal. Fam. Code § 6929 include a physician, registered nurse, psychologist, clinical social worker, Marriage and Family Therapist (MFT), or registered Marriage and Family Therapist intern when appropriately employed and supervised

pursuant to Section 4980.43 of the California Business and Professions Code.

Parents **must** be involved in the minor's treatment unless the provider determines, after consulting with the minor, that involving the parent(s) would be inappropriate. If involving the parents is deemed inappropriate, the rationale **must** be documented in the minor's chart.

When the professional person determines that the reason for not involving parent(s) in the minor's treatment is due to the minor's fear of physical or sexual abuse, willful cruelty or unjustifiable punishment or injury, provider is required to follow the requirements of the Child Abuse and Neglect Reporting Act (Penal Code § 11165.9). The Act states that a report shall be made whenever there is knowledge or reasonable suspicion of child abuse or neglect. Refer to the Notice of Child Abuse Reporting Law exhibit in your executed service contract with the County of Fresno for further information on this requirement.

Attempts must be made on an **ongoing** basis to engage the minor's parent(s) in the provision of services. The attempts must be documented in the client chart as to the type of contact attempted, the date, and the result of the attempt.

For minors who are eligible for Drug Medi-Cal (DMC) and are receiving services under their parent's Medi-Cal, the County requires parent permission slips to be on file.

A release of information (ROI) must be on file for all participants. For participants not receiving Minor Consent services, the ROI must include the parent(s) name(s), the amount/type of information to be shared and all other required elements (expiration date, signatures, etc.). Providers should attempt to honor the minor's right to confidentiality to the extent possible while still involving parents in treatment. For participants receiving Minor Consent services, the ROI must provide the designation of an emergency contact. All other ROI's necessary for services and program policy must also be in place.

DBH SUD Services site reviews now include a review of Minor Consent documentation to ensure that all requirements are met. Services may be subject to full recoupment if Minor Consent eligibility is not met and/or is not properly documented in the patient record. Additionally, Minor Consent services may be subject to full recoupment in the absence of an ROI and documentation as to why the parent(s) is not involved in the treatment.

No DMC funds may be utilized for participants enrolled under Minor Consent. Providers must refer Minor Consent participants to providers who are contracted to provide non-DMC services.

Exceptions:

Minors receiving treatment who are emancipated, self-sufficient, or are a ward or dependent do not fall under Minor Consent requirements.

REFERENCES

California Family Code § 6929

California Business and Professions Code § 4980.43

Penal Code § 11165.9

CONTACT

Please contact your assigned analyst with any questions or concerns.