

[First Reprint]

ASSEMBLY, No. 3435

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED JUNE 23, 2014

Sponsored by:

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman McKeon and Assemblywoman Lampitt

SYNOPSIS

"Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care.

CURRENT VERSION OF TEXT

As reported by the Assembly Women and Children Committee on October 9, 2014, with amendments.

(Sponsorship Updated As Of: 1/30/2015)

1 AN ACT concerning minor's consent for behavioral health care,
2 designated as "Boys & Girls Clubs Keystone Law," and
3 amending¹, and supplementing¹ P.L.1968, c.230.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

10 1. The consent to the provision of medical or surgical care or
11 services by a hospital, public clinic, or the performance of medical
12 or surgical care or services by a physician, licensed to practice
13 medicine, when executed by a minor who is or believes that he may
14 be afflicted with a venereal disease, or who is at least 13 years of
15 age and is or believes that he may be infected with the human
16 immunodeficiency virus or have acquired immune deficiency
17 syndrome, or by a minor who, in the judgment of a treating
18 physician, appears to have been sexually assaulted, shall be valid
19 and binding as if the minor had achieved his or her majority, as the
20 case may be. Any such consent shall not be subject to later
21 disaffirmance by reason of minority. In the case of a minor who
22 appears to have been sexually assaulted, the minor's parents or
23 guardian shall be notified immediately, unless the attending
24 physician believes that it is in the best interests of the patient not to
25 do so; however, inability of the treating physician, hospital, or
26 clinic to locate or notify the parents or guardian shall not preclude
27 the provision of any necessary emergency medical or surgical care
28 to the minor.

29 When a minor believes that he is suffering from the use of drugs
30 or is a drug dependent person as defined in section 2 of P.L.1970,
31 c.226 (C.24:21-2) or is suffering from alcohol dependency or is an
32 alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), his
33 consent to treatment under the supervision of a physician licensed
34 to practice medicine, or an individual licensed or certified to
35 provide treatment for alcoholism, or in a facility licensed by the
36 State to provide for the treatment of alcoholism shall be valid and
37 binding as if the minor had achieved **[his or her]** the age of
38 majority **[, as the case may be]**. Any such consent shall not be
39 subject to later disaffirmance by reason of minority. Treatment for
40 drug use, drug abuse, alcohol use or alcohol abuse that is consented
41 to by a minor shall be considered confidential information between
42 the physician, the treatment provider, or the treatment facility, as
43 appropriate, and **[his]** the patient, and neither the minor nor his
44 physician, treatment provider, or treatment facility, as appropriate,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AWC committee amendments adopted October 9, 2014.

1 shall be required to report such treatment when it is the result of
2 voluntary consent, except as may otherwise be required by law.

3 When a minor believes that he is in need of behavioral health
4 care services for the treatment of mental illness or emotional
5 disorders, his consent to treatment under the supervision of a
6 physician licensed to practice medicine, or an individual licensed to
7 provide professional counseling under Title 45 of the Revised
8 Statutes, including, but not limited to, a psychiatrist, licensed
9 practicing psychologist, certified social worker, licensed clinical
10 social worker, licensed social worker, licensed marriage and family
11 therapist, certified psychoanalyst, licensed psychologist or licensed
12 clinical social worker, 'advanced practice nurse,'¹ or in a health care
13 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)
14 shall be valid and binding as if the minor had achieved the age of
15 majority. Any such consent shall not be subject to later
16 disaffirmance by reason of minority. Treatment for behavioral
17 health care services for mental illness or emotional disorders that is
18 consented to by a minor shall be considered confidential
19 information between the physician, the individual licensed to
20 provide professional counseling, 'advanced practice nurse,'¹ or the
21 health care facility, as appropriate, and the patient, and neither the
22 minor nor his physician, professional counselor, 'nurse,'¹ or health
23 care facility, as appropriate, shall be required to report such
24 treatment when it is the result of voluntary consent.

25 The consent of no other person or persons, including but not
26 limited to, a spouse, parent, custodian or guardian, shall be
27 necessary in order to authorize such hospital, facility or clinical care
28 or services **【or】**, medical or surgical care or services, or counseling
29 to be provided by: a physician licensed to practice medicine 【or
30 by】; an individual licensed or certified to provide treatment for
31 alcoholism; or an individual licensed to provide professional
32 counseling under Title 45 of the Revised Statutes, as appropriate, to
33 such a minor.

34 (cf: P.L.2005, c.342, s.1)

35
36 ¹2. (New section) a. The Department of Children and Families
37 shall prepare and make available on the department's Internet
38 website, both in print and in an easily printable format, information
39 on the provisions of section 1 of P.L.1968, c.230 (C.9:17A-4),
40 including, but not limited to, the provisions mandating that the
41 consent of a minor to treatment under the supervision of a physician
42 licensed to practice medicine, advanced practice nurse, or an
43 individual licensed to provide professional counseling under Title
44 45 of the Revised Statutes is valid and binding as if the minor had
45 achieved the age of majority, and the treatment consented to by a
46 minor shall be considered confidential information.

1 b. The department shall prepare an informational pamphlet that
2 contains the information posted on its website pursuant to
3 subsection a. of this section. The department shall distribute the
4 pamphlet, at no charge, to all psychiatrists, licensed practicing
5 psychologists, certified social workers, licensed clinical social
6 workers, licensed social workers, licensed marriage and family
7 therapists, certified psychoanalysts, licensed psychologists, licensed
8 clinical social workers, advanced practice nurses, or health care
9 facilities licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) in
10 the State that provide behavioral health care services to children and
11 young adults.¹

12

13 ¹**[2.] 3.**¹ This act shall take effect immediately.