

[Second Reprint]

**ASSEMBLY, No. 3435**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 23, 2014

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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on May 7, 2015, with amendments.

(Sponsorship Updated As Of: 5/19/2015)

1 AN ACT concerning minor's consent for behavioral health care,  
 2 designated as "Boys & Girls Clubs Keystone Law," and  
 3 amending<sup>1</sup>, and supplementing<sup>1</sup> 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 <sup>2</sup>**[,]**<sup>2</sup> licensed to practice  
 13 medicine, when executed by a minor who is or believes that he <sup>2</sup>or  
 14 she<sup>2</sup> may be afflicted with a venereal disease, or who is at least 13  
 15 years of age and is or believes that he <sup>2</sup>or she<sup>2</sup> may be infected with  
 16 the human immunodeficiency virus or have acquired immune  
 17 deficiency syndrome, or by a minor who, in the judgment of a  
 18 treating physician, appears to have been sexually assaulted, shall be  
 19 valid and binding as if the minor had achieved <sup>2</sup>**[his or her]** the age  
 20 of<sup>2</sup> majority <sup>2</sup>**[,]** as the case may be<sup>2</sup>. Any such consent shall not  
 21 be subject to later disaffirmance by reason of minority. In the case  
 22 of a minor who appears to have been sexually assaulted, the minor's  
 23 parents or guardian shall be notified immediately, unless the  
 24 attending physician believes that it is in the best interests of the  
 25 patient not to do so; however, inability of the treating physician,  
 26 hospital, or clinic to locate or notify the parents or guardian shall  
 27 not preclude the provision of any necessary emergency medical or  
 28 surgical care to the minor.

29 When a minor believes that he <sup>2</sup>or she<sup>2</sup> is suffering from the use  
 30 of drugs or is a drug dependent person as defined in section 2 of  
 31 P.L.1970, c.226 (C.24:21-2) or is suffering from alcohol  
 32 dependency or is an alcoholic as defined in section 2 of P.L.1975,  
 33 c.305 (C.26:2B-8), <sup>2</sup>**[his]** the minor's<sup>2</sup> consent to treatment under  
 34 the supervision of a physician licensed to practice medicine, or an  
 35 individual licensed or certified to provide treatment for alcoholism,  
 36 or in a facility licensed by the State to provide for the treatment of  
 37 alcoholism <sup>2</sup>,<sup>2</sup> shall be valid and binding as if the minor had  
 38 achieved **[his or her]** the age of majority **[,]** as the case may be<sup>2</sup>.  
 39 Any such consent shall not be subject to later disaffirmance by  
 40 reason of minority. Treatment for drug use, drug abuse, alcohol use  
 41 or alcohol abuse that is consented to by a minor shall be considered  
 42 confidential information between the physician, the treatment  
 43 provider, or the treatment facility, as appropriate, and **[his]** the

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:

<sup>1</sup>Assembly AWC committee amendments adopted October 9, 2014.

<sup>2</sup>Senate SHH committee amendments adopted May 7, 2015.

1 patient, and neither the minor nor <sup>2</sup>**[his]** the minor's<sup>2</sup> physician,  
 2 treatment provider, or treatment facility, as appropriate, shall be  
 3 required to report such treatment when it is the result of voluntary  
 4 consent, except as may otherwise be required by law.

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

28 The consent of no other person or persons, including but not  
 29 limited to, a spouse, parent, custodian <sup>2,2</sup> or guardian, shall be  
 30 necessary in order to authorize <sup>2</sup>a minor to receive<sup>2</sup> such hospital  
 31 <sup>2</sup>services<sup>2</sup>, facility <sup>2,2</sup> or clinical care or services **[or],** medical or  
 32 surgical care or services, or counseling <sup>2</sup>**[to be provided by:]**  
 33 services from<sup>2</sup> a physician licensed to practice medicine **[or by]**  
 34 <sup>2</sup>**[:]** <sup>2</sup> an individual licensed or certified to provide treatment for  
 35 alcoholism <sup>2</sup>**[:]** an advanced practice nurse,<sup>2</sup> or an individual  
 36 licensed to provide professional counseling under Title 45 of the  
 37 Revised Statutes, as appropriate <sup>2</sup>**[, to such a minor]**<sup>2</sup>.

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

39  
 40 <sup>1</sup>2. (New section) a. The Department of Children and Families  
 41 shall prepare and make available on the department's Internet  
 42 website, <sup>2</sup>**[both in print and]**<sup>2</sup> in an easily printable format,  
 43 information on the <sup>2</sup>behavioral health<sup>2</sup> provisions of section 1 of  
 44 P.L.1968, c.230 (C.9:17A-4), including, but not limited to, the  
 45 provisions <sup>2</sup>**[mandating]** which specify<sup>2</sup> that <sup>2</sup>**[the]** a minor's<sup>2</sup>  
 46 consent <sup>2</sup>**[of a minor]**<sup>2</sup> to treatment under the supervision of a

1 <sup>2</sup>licensed<sup>2</sup> physician <sup>2</sup>[[licensed to practice medicine]]<sup>2</sup> , <sup>2</sup>an<sup>2</sup>  
2 advanced practice nurse, or an individual licensed to provide  
3 professional counseling under Title 45 of the Revised Statutes is <sup>2</sup>to  
4 be considered<sup>2</sup> valid and binding as if the minor had achieved the  
5 age of majority, and the <sup>2</sup>provisions which specify that<sup>2</sup> treatment  
6 consented to by a minor <sup>2</sup>[[shall]] is to<sup>2</sup> be considered confidential  
7 information.

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

19

20 <sup>2</sup>3. (New section) Nothing in section 1 of P.L.1968, c.230  
21 (C.9:17A-4) shall be construed to:

22 a. require a provider to continue to provide behavioral or  
23 mental health treatment to a minor if, in the provider's professional  
24 judgment, the consent or participation of the minor's parents is  
25 necessary for the proper care of the minor; or

26 b. allow a minor to refuse consent to mental or behavioral  
27 health treatment, except as may be otherwise authorized by law,  
28 when both the minor's provider and the minor's parents deem such  
29 treatment to be necessary.<sup>2</sup>

30

31 <sup>1</sup>[[2.]] <sup>2</sup>[[3.1]] <sup>4.2</sup> This act shall take effect immediately.