



STATE OF VERMONT
GENERAL ASSEMBLY

MEMORANDUM

To: Commissioner Melissa Bailey, Department of Mental Health
Commissioner Ken Schatz, Department for Children and Families

From: Senator Claire Ayer, Chair, Committee on Health and Welfare
Representative William Lippert, Chair, Committee on Health Care

Date: January 16, 2018

Subject: 2017 Acts and Resolves, No. 35

wjl *ph*

During the first year of the 2017 biennium, the Senate Committee on Health and Welfare and the House Committee on Health Care considered testimony on H.230, which later became Act 35, an act relating to consent by minors for mental health treatment. As Chairs of these Committees, it was our intent to create access to treatment for children and adolescents who may not otherwise seek care in recognition that expanded access may be lifesaving in some cases.

Act 35 does not require mental health providers to treat minors, nor does it prohibit mental health providers from seeking parental consent. Rather, it merely indicates that mental health providers are not required to seek parental consent when treating a minor. As always, mental health providers are obligated to use clinical best practice, which includes seeking parental or custodial engagement when appropriate.

Act 35 does not require a clinician to accept a referral or to provide treatment to a minor without reimbursement.

While Act 35 does not provide a lower age limit as to what constitutes a minor, our understanding is that current best practice requires that mental health providers make a clinical determination as to each prospective patient's capacity to provide informed consent to treatment. Act 35 does not alter any current standards of care.