

SENATE BILL REPORT

HB 3139

As Reported By Senate Committee On:
Human Services & Corrections, February 21, 2006

Title: An act relating to kinship caregivers' consent for mental health care of minors.

Brief Description: Clarifying kinship caregivers' consent for mental health care of minors.

Sponsors: Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney.

Brief History: Passed House: 2/09/06, 98-0.

Committee Activity: Human Services & Corrections: 2/16/06, 2/21/06 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Indu Thomas (786-7536)

Background: In Washington State, either a minor age 13 or older or their parent may consent to mental health care. Under the principle of "informed consent," care must be explained to the patient so that he or she understands the benefit and detriment of the proposed care and can make an informed decision.

In 2005, the Legislature passed Substitute House Bill 1281 which expanded the list of persons who may provide "informed consent" for medical care to include persons whom the parent has authorized to consent to medical care and relatives who represent themselves to be, or have a signed declaration stating they are, responsible for the medical care of the child. The legislation did not specify that the "informed consent" for medical care included consent for mental health care of a child.

Summary of Amended Bill: Language is added to the informed consent statute explicitly stating that informed consent for medical care includes mental health care.

Amended Bill Compared to Original Bill: The change to the definition of "parent" for purposes of the parent-initiated alternative for mental health treatment of minors is deleted.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is similar to a bill that passed last year with the exception of the provision relating to mental health. The language of the bill clarifies that informed consent applies to mental health care. The barrier that relative caregivers face in their efforts to obtain mental health care for the children in their care is removed by the provisions of this bill.

Testimony Against: None.

Who Testified: PRO: Representative Pettigrew, prime sponsor, Edith Owen, Peirce County Relatives Raising Children, Laurie Lippold, Children's Home Society.