

1 **SHB 2442** - H AMD TO H AMD (2442-S AMH MULL H5153.2) **289 FAILED**  
2 By Representative Costa **2-13-96**

3 On page 3, beginning on line 4 of the striking amendment,  
4 strike all of section 3 and insert the following:

5 "NEW SECTION. **Sec. 3** A new section is added to chapter  
6 71.34 RCW to read as follows:

7 (1) Any provider of inpatient treatment in an approved  
8 inpatient treatment program who agrees to provide inpatient  
9 treatment to a minor must notify the minor's parent or guardian of  
10 the minor's request for treatment. The provider must notify the  
11 parent or guardian only if (a) the minor signs a written consent  
12 authorizing the disclosure, or (b) the consent of the minor's  
13 parent or guardian is unnecessary for the minor to receive  
14 treatment and the program or facility director determines that the  
15 minor lacks capacity to make a rational choice regarding consenting  
16 to disclosure. The notice must be made within forty-eight hours of  
17 the request for treatment, excluding Saturdays, Sundays, and  
18 holidays, and must contain the same information as required under  
19 RCW 71.34.030(2)(b). If the minor is admitted to inpatient  
20 treatment, the notice provisions of RCW 71.34.030(b) apply.

21 (2) Any provider of outpatient treatment who agrees to provide  
22 outpatient treatment to a minor must notify the minor's parent or  
23 guardian of the minor's request for outpatient treatment if (a) the  
24 minor signs a written consent authorizing the disclosure, or (b) if  
25 the minor is less than thirteen years of age and the program or  
26 facility director determines that the minor lacks capacity to make  
27 a rational choice regarding consenting to disclosure. The notice  
28 must be made within seven days of the request for treatment,  
29 excluding Saturdays, Sundays, and holidays, and must contain the  
30 same information as required under RCW 71.34.030(2)(b).

1           (3) A parent or guardian of a minor is not obligated to pay  
2 for any services provided to the minor under RCW 70.96A.095(1) if  
3 within seven working days of the minor's request for treatment, the  
4 provider did not notify one of the minor's parents, or the minor's  
5 guardian, of the minor's request for treatment. Notwithstanding  
6 any provision of any insurance contract or agreement entered into  
7 after the effective date of this act, benefits shall not be  
8 provided under the contract or agreement for the treatment of a  
9 minor if within seven working days of the minor's request for  
10 treatment, the provider did not notify one of the minor's parents,  
11 or the minor's guardian, of the minor's request for treatment.  
12 This section does not apply if the treatment provider has made  
13 reasonable attempts to notify one of the minor's parents or the  
14 minor's guardian but has been unable to contact one of them within  
15 seven days of the minor's request for treatment. A treatment  
16 provider may refuse to provide treatment until a minor patient  
17 consents to disclosure necessary to obtain reimbursement."  
18

**EFFECT:** Treatment providers must notify a parent or guardian when a minor requests inpatient or outpatient treatment if the minor consents to the notice, or the minor lacks the capacity to make a rational judgment about notifying the parents (and the parents are not entitled to give or withhold consent to the treatment). A parent or guardian and their insurers are not liable for payment for outpatient treatment if the provider did not notify the parent as required unless the provider made a reasonable but unsuccessful effort to contact the parent or guardian.