

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1537 Session of
2023

INTRODUCED BY GLEIM, M. MACKENZIE, HAMM, KRUPA, KAUFFMAN,
SCIALABBA, KEEFER, FINK, T. JONES, M. JONES AND ZIMMERMAN,
JUNE 28, 2023

REFERRED TO COMMITTEE ON HEALTH, JUNE 28, 2023

AN ACT

1 Amending the act of February 13, 1970 (P.L.19, No.10), entitled
2 "An act enabling certain minors to consent to medical, dental
3 and health services, declaring consent unnecessary under
4 certain circumstances," further providing for mental health
5 treatment and for liability for rendering services; and
6 providing for applicability.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 1.1(a)(2), (4), (5) and (7) and 5 of the
10 act of February 13, 1970 (P.L.19, No.10), entitled "An act
11 enabling certain minors to consent to medical, dental and health
12 services, declaring consent unnecessary under certain
13 circumstances," are amended to read:

14 Section 1.1. Mental Health Treatment.--(a) The following
15 shall apply to consent for voluntary inpatient and outpatient
16 mental health treatment:

17 * * *

18 (2) A minor who is [fourteen] sixteen years of age or older
19 may consent on the minor's own behalf to voluntary inpatient

1 mental health treatment as provided under Article II of the
2 "Mental Health Procedures Act" or outpatient mental health
3 treatment, and the minor's parent's or legal guardian's consent
4 shall not be necessary.

5 * * *

6 (4) A parent or legal guardian who has provided consent to
7 voluntary inpatient or outpatient mental health treatment under
8 paragraph (1) may revoke that consent, which revocation shall be
9 effective unless the minor who is [fourteen] sixteen to eighteen
10 years of age has provided consent for continued voluntary
11 inpatient or outpatient mental health treatment.

12 (5) A minor who is [fourteen] sixteen to eighteen years of
13 age who has provided consent to voluntary inpatient or
14 outpatient mental health treatment may revoke that consent,
15 which revocation shall be effective unless the parent or legal
16 guardian to the minor has provided for continued treatment under
17 paragraph (1).

18 * * *

19 (7) When a petition is filed on behalf of a minor [fourteen]
20 sixteen years of age or older and under eighteen years of age
21 who has been confined for inpatient treatment on the consent of
22 a parent or legal guardian and who objects to continued
23 inpatient treatment by requesting a withdrawal from or
24 modification of treatment, the court shall promptly appoint an
25 attorney for the minor and schedule a hearing to be held within
26 seventy-two hours following the filing of the petition, unless
27 continued upon the request of the attorney for the minor, by a
28 judge or mental health review officer who shall determine
29 whether or not the voluntary mental health treatment is in the
30 best interest of the minor. For inpatient treatment to continue

1 against the minor's wishes, the court must find all of the
2 following by clear and convincing evidence:

- 3 (i) that the minor has a diagnosed mental disorder;
- 4 (ii) that the disorder is treatable;
- 5 (iii) that the disorder can be treated in the particular
6 facility where the treatment is taking place; and
- 7 (iv) that the proposed inpatient treatment setting
8 represents the least restrictive alternative that is medically
9 appropriate.

10 * * *

11 Section 5. Liability for Rendering Services.--[The] (a)
12 Except as provided under subsection (b), the consent of a minor
13 who professes to be, but is not a minor whose consent alone is
14 effective to medical, dental and health services shall be deemed
15 effective without the consent of the minor's parent or legal
16 guardian, if the physician or other person relied in good faith
17 upon the representations of the minor.

18 (b) If a physician or other person renders medical, dental
19 or health services or mental health treatment to a minor under
20 this act and the minor does not obtain the consent of a parent
21 or legal guardian, the physician or other person shall be liable
22 for the decisions of the minor.

23 Section 2. The act is amended by adding a section to read:

24 Section 6. Applicability.--(a) This act shall not apply to
25 a minor who has special needs.

26 (b) As used in this section, the term "special needs" means
27 significantly subaverage general intellectual functioning that
28 is accompanied by significant limitations in adaptive
29 functioning in at least two of the following skill areas:
30 communication, self-care, home living, social and interpersonal

1 skills, use of community resources, self-direction, functional
2 academic skills, work, health and safety. The onset must occur
3 before the individual's twenty-second birthday.

4 Section 3. This act shall take effect in 60 days.