

**214.185 Diagnosis and treatment of disease, addictions, or other conditions of minor -- Provision of outpatient mental health counseling -- Effective consent.**

- (1) Any physician, upon consultation by a minor as a patient, with the consent of such minor may make a diagnostic examination for venereal disease, pregnancy, or substance use disorder and may advise, prescribe for, and treat such minor regarding venereal disease, substance use disorder, contraception, pregnancy, or childbirth, all without the consent of or notification to the parent, parents, or guardian of such minor patient, or to any other person having custody of such minor patient. Treatment under this section does not include inducing of an abortion or performance of a sterilization operation. In any such case, the physician shall incur no civil or criminal liability by reason of having made such diagnostic examination or rendered such treatment, but such immunity shall not apply to any negligent acts or omissions.
- (2) Any physician may provide outpatient mental health counseling to any child age sixteen (16) or older upon request of such child without the consent of a parent, parents, or guardian of such child.
- (3) Any qualified mental health professional, as defined by KRS 202A.011, may provide outpatient mental health counseling to any child who is age sixteen (16) or older and is an unaccompanied youth, as defined by 42 U.S.C. sec. 11434a(6), upon request of such child without the consent of a parent, parents, or guardian of such child.
- (4) Notwithstanding any other provision of the law, and without limiting cases in which consent may be otherwise obtained or is not required, any emancipated minor or any minor who has contracted a lawful marriage or borne a child may give consent to the furnishing of hospital, medical, dental, or surgical care to his or her child or himself or herself and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of such married or emancipated minor shall not be necessary in order to authorize such care. For the purpose of this section only, a subsequent judgment of annulment of marriage or judgment of divorce shall not deprive the minor of his or her adult status once obtained. The provider of care may look only to the minor or spouse for payment for services under this section unless other persons specifically agree to assume the cost.
- (5) Medical, dental, and other health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the professional's judgment, the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.
- (6) The consent of a minor who represents that he or she may give effective consent for the purpose of receiving medical, dental, or other health services but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian, if the person rendering the service relied in good faith upon the representations of the minor.
- (7) The consent of a minor who represents that he or she may give effective consent for the purpose of receiving outpatient mental health counseling from a qualified

mental health professional, but who may not in fact do so, shall be deemed effective without the consent of the minor's parent or legal guardian if the person rendering the service relied in good faith upon the representations of the minor after a reasonable attempt to obtain parental consent or to verify the minor's age and status as an unaccompanied youth.

- (8) The professional may inform the parent or legal guardian of the minor patient of any treatment given or needed where, in the judgment of the professional, informing the parent or guardian would benefit the health of the minor patient.
- (9) Except as otherwise provided in this section, parents, the Cabinet for Health and Family Services, or any other custodian or guardian of a minor shall not be financially responsible for services rendered under this section unless they are essential for the preservation of the health of the minor.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 32, sec. 4, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 128, sec. 8, effective June 27, 2019. -- Amended 2005 Ky. Acts ch. 99, sec. 455, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 402, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 283, sec. 2, effective July 15, 1988. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1) and (13). -- Amended 1972 Ky. Acts ch. 163, paras. (1) to (6). -- Created 1970 Ky. Acts ch. 104, sec. 1.