

NHLC | Alston&Bird

Access to Mental Health Treatment: Unhoused Youth and Young Adults

A Survey of State Laws Presented by
National Homelessness Law Center

Research by
Alston & Bird

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Table of Contents

Acknowledgements	2-3	Utah	144-146
Introduction	4	Vermont	147-148
Overarching question	5	Virginia	149-153
Methodology	6	Washington	154-155
Alabama	8-10	West Virginia	156-158
Alaska	11-13	Wisconsin	159-162
Arizona	14-16	Wyoming	163-165
Arkansas	17-18	Closing Thoughts	166
California	19-23	Contact Us	167
Colorado	24-26		
Connecticut	27-30		
Delaware	31-33		
District of Columbia	34-36		
Florida	37-40		
Georgia	41-43		
Hawaii	44-46		
Idaho	47-49		
Illinois	50-52		
Indiana	53-54		
Iowa	55-58		
Kansas	59-60		
Kentucky	61-62		
Louisiana	63-65		
Maine	66-68		
Maryland	69-73		
Massachusetts	74-77		
Michigan	78-79		
Minnesota	80-83		
Mississippi	84-87		
Missouri	88-91		
Montana	92-93		
Nebraska	94-96		
Nevada	97-98		
New Hampshire	99-101		
New Jersey	102-103		
New Mexico	104-105		
New York	106-108		
North Carolina	109-112		
North Dakota	113-119		
Ohio	120-121		
Oklahoma	122-124		
Oregon	125-126		
Pennsylvania	127-128		
Rhode Island	129-131		
South Carolina	132-134		
South Dakota	135-138		
Tennessee	139-141		
Texas	142-143		

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Claire Lieberman
Filmon M. Sexton, IV
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MacKenzie Dickerman
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Rachel Leff
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Krupa Zachariah

Sarah McClellan
Matt Tyson
Joshua Labat
Tim Cordova
Alicia Badley
Sam Goldstein
Jessica Garcia Keenum
Natalia Souza
Alexandra Hecht
Lindsey Alhadeff
Caroline Dailey

National Homelessness Law Center Staff:

Katie Meyer Scott,
Youth Homelessness Program
Director

Report Design by:
Erika Lopez,
Communications Associate

Introduction

Unhoused young people face multiple barriers in accessing health care and have disproportionately high rates of chronic mental health issues. Some studies have found as many as 80-90% of unhoused youth and young adults meet the criteria for depression, post-traumatic stress disorder (PTSD), and anxiety disorders. This isn't surprising, considering the profound trauma caused by housing instability in and of itself, and the high rates of childhood abuse, violence and victimization reported by unhoused youth both before and after homelessness.

Accessing effective mental health treatment is a challenge for adults with housing, income, and comprehensive health insurance; for a young person without these resources, the challenge can feel insurmountable. This guide is meant to outline the legal rights and public resources that do exist for unhoused youth and young adults, ranging from states that remove unnecessary barriers and improve access to states that greatly restrict or block needed care.

Unfortunately, whether or not unhoused youth can technically access health insurance coverage or consent to mental health treatment is not the end of the story. Mental health treatment alone will not solve youth homelessness. But it is an important tool in helping young people heal from the trauma of homelessness and in maintaining safe and stable housing.

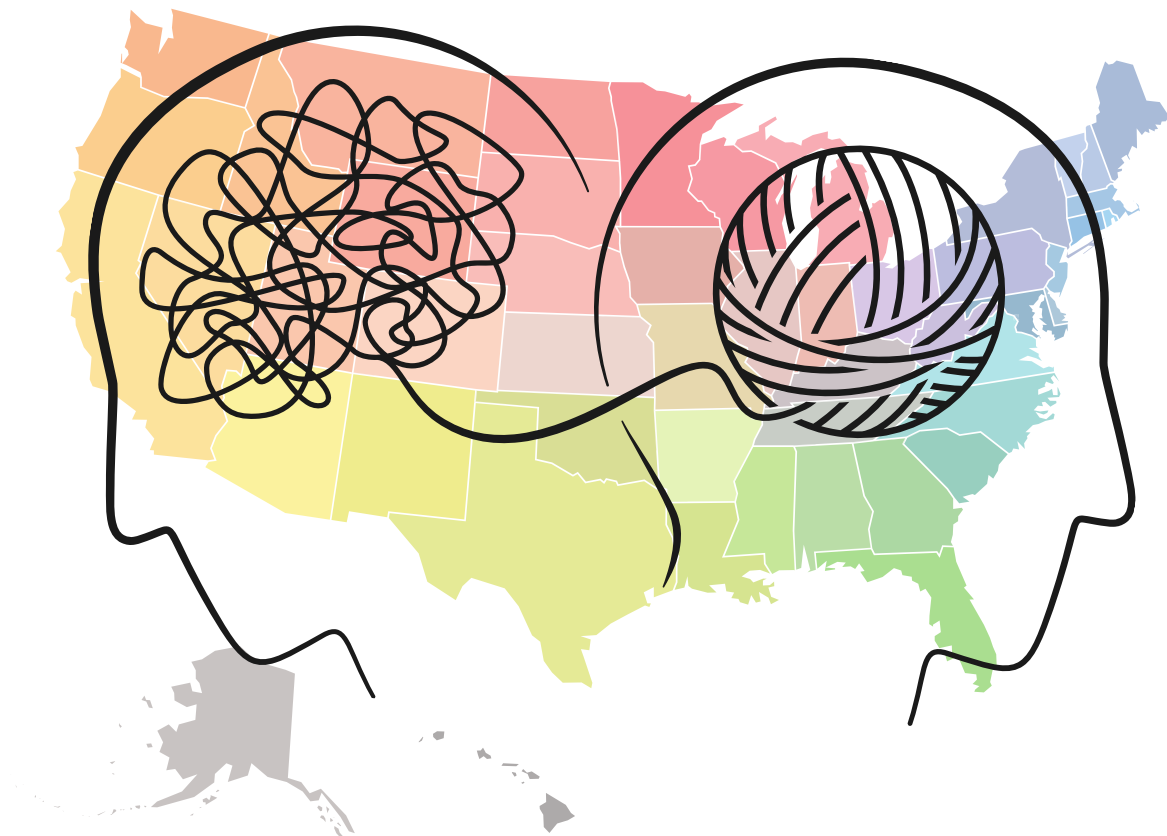
CONTENT WARNING AND A NOTE ABOUT LANGUAGE CHOICES:

At the Law Center, we recognize that language is a powerful tool. The words we use can cause harm or foster compassion. As such, it is imperative that we don't exploit, demean, or erase young people with our language. For example, we do not use the word "alien" to refer to immigrant youth but several states still use this term in the name of their programs. As such, in this publication, it is used only when naming or referring to a specific program. Finally, we include information about the ability (or inability) of LGBTQ+ youth to receive mental health services without discrimination in each state. The language used in some of the bills targeting medical care for trans and non-binary youth (and in some cases, imposing civil and criminal liability on medical providers) is incredibly dehumanizing. Please take care when accessing this information.

Katie Meyer Scott,
Youth Homelessness Program Director

Overarching Question

Can all unhoused youth consent to and access mental health treatment in their state?



Methodology

Researchers were asked to find answers to and citations for the following questions related to youth mental health access in each state and the District of Columbia.

Age or Other Limitation:

Is there an age range for consent (e.g., only 16-17 yo)?

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Consent:

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Access:

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

- If YES, how? Is this info easy to find?
- If No, how would they be able to apply (e.g., via a next of kin or caseworker)? Is this info easy to find?

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

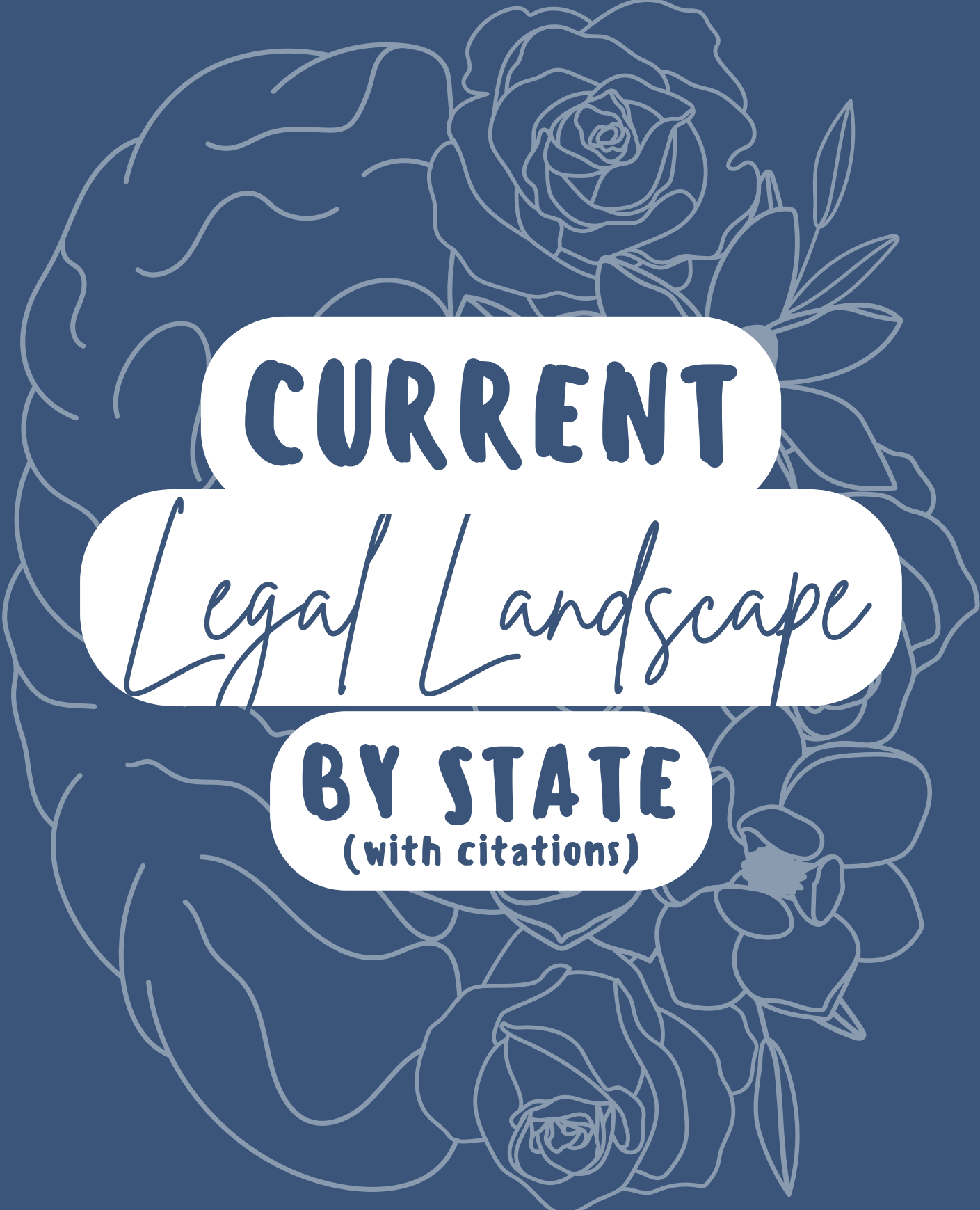
Are there any programs for undocumented youth?

Coverage:

What do the state insurance programs actually cover re: mental health treatment? To review federal coverage and requirements, please see: [Health Insurance and Mental Health Services | MentalHealth.gov](#); [Benefits | Medicaid](#)

Issues Specific to LGBTQ Youth:

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender-affirming mental health treatment? These types of laws may be more focused on trans youth and physical rather than mental health.



CURRENT

Legal Landscape

BY STATE
(with citations)

Alabama

Age or Other Limitations

Is there an age range for consent?

The general age of consent for medical treatment (including mental health services) is 14, but under certain circumstances, a minor of any age can give consent. *Ala. Code § 22-8-4.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

A minor of any age can give consent on their own if they have graduated from high school, have been married or are married, are pregnant, or have borne a child. *Ala. Code §§ 22-8-4, -5.*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication, etc.)?

It's not a limitation, but there is another carveout to the general age of consent – a minor of any age can consent to legal authorized medical (including mental health) services to determine the presence of or treat pregnancy, venereal disease, drug dependency, alcohol toxicity, or any reportable disease. *Ala. Code § 22-8-6.*

Additionally, if someone relies in good faith upon the consent of a minor, that consent is deemed effective. *Ala. Code § 22-8-7(a).* However, this does not empower such minors to enter into a binding agreement to waive any right or cause of action by virtue of any treatment/procedure. *Ala. Code § 22-8-7(c).*

As far as limitations, the parent or legal guardian of a minor between the ages of 14 and 19 may authorize medical treatment for mental health services even if the minor has expressly refused such treatment if clinical intervention is deemed necessary and appropriate by both the parent/guardian and a mental health professional. *Ala. Code § 22-8-10.*

Access

Can a youth apply for medical coverage that includes mental health treatment on their own?

No. Minors cannot apply for health insurance on their own.

ALL Kids is Alabama's CHIP. Applications can be made online or by printing and mailing the PDF application. The application specifies that an adult "in the family" is needed to be the contact person for the application, but the ALL Kids FAQ page specifies that this does not have to be a parent or legal guardian so long as it's someone that the child resides with full time. In order to qualify, a minor must meet income guidelines, be a resident of Alabama, be a U.S. citizen or eligible immigrant (the ALL Kids website does not make clear what this means), be under 19, not have any other health insurance coverage, not be a resident of an institution, and not be eligible for/covered by Medicaid.

The application process is integrated with the Medicaid application.

Medicaid is also available for children (through the application by a parent), although it has a lower income threshold than ALL Kids. The website also says that children in “one or two parent families” qualify, but one handout says that an adult can apply for an unrelated child living in the home to whom they provide “parental care and support.” Medicaid pays for medical and behavioral health services, as well as mental and emotional health services through the EPDST program “if medically necessary.” If a child does not qualify for Medicaid due to household income, their application is automatically assessed for ALL Kids. The application is the same as the ALL Kids application. The Medicaid website, while more comprehensive than that of ALL Kids, is difficult to navigate – it involves buried PDFs containing important (and occasionally conflicting) information, and there doesn’t seem to be a search function.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state or is there any other option for low-income adults to get medical coverage)?

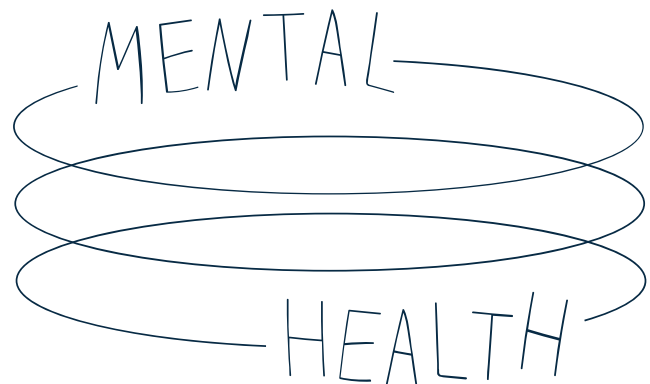
Alabama is one of 10 non-expansion states. Alabama Medicaid has eligibility categories for Parents & Other Caretaker Relatives, Pregnant Women, residents of Nursing Homes, and the Elderly and Disabled, as well as programs dedicated to family planning and breast & cervical cancer.

This grid helps lay out the basic categories and eligibility guidelines, and also includes a Former Foster Care Children category for individuals under 26 who have aged out of foster care, but this is not listed on their website. There is also pending waiver for adults 21-64 who qualify for Substance Use Disorder treatment. The Medicaid and ALL Kids sites also refer users to the federal Health Insurance Marketplace at www.healthcare.gov.

Are there any programs for undocumented youth?

There are no apparent programs for undocumented youth. ALL Kids requires applicants to be U.S. Citizens or “eligible immigrants.” The ALL Kids application does not require the immigration status of any family for whom coverage is not being sought to be disclosed.

Alabama has not adopted the Children’s Health Insurance Program Reauthorization Act of 2009, which would allow the state to extend CHIP coverage to certain immigrants.



Coverage

What do the state insurance programs actually cover re: mental health treatment?

ALL Kids covers mental health services, including a 24-hour hotline dedicated to mental health & substance abuse. Medicaid covers treatment of those diagnosed with mental illness or substance abuse, as well as screening services for children under 21 through the EPDST program. However, for children under 19, mental health services through Medicaid must be initiated by their parent.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

In April 2022, Alabama passed SB 184, (*Ala. Code § 26-26-4*; as a note, the Alabama Legislature website does not yet contain Section 26-26) which seeks to prohibit and criminalize the provision of gender-affirming treatment to minors. The law was blocked by a federal district court, but the ruling blocking enforcement was reversed by the 11th Circuit in August 2023. The mandate allowing enforcement has yet to be issued. However, there is a provision in the act (which is called the *Alabama Vulnerable Child Compassion and Protection Act*) that exempts mental health professionals & services (*Ala. Code § 26-26-6*), as well as pharmacists (*Ala. Code § 26-26-9*). Alabama also enacted HB 322, which

mandates use of school bathrooms and facilities according to assigned sex at birth (*Ala. Code § 16-1-54*) as well as prohibits classroom discussion about sexual orientation or gender identity from grades K through 5th (*Ala. Code § 16-40A-5*).

There have also been several additional anti-trans and anti-LGBTQ bills proposed recently that have been indefinitely postponed, including HB 405, which would define male and female to exclude transgender identities.



Alaska

Age or Other Limitations

Is there an age range for consent (e.g., only homeless youth)?

No. In general, unless the minor (under 18) meets the status exceptions in the next box, the minor cannot receive medical services. However, if the minor's parent or guardian either 1) cannot be reached or 2) is reached but refuses to provide or withholds consent then the minor may receive medical services after counseling from the provider of medical services. *Alaska Stat. § 25.20.025.*

“Medical services” is not a defined term however Alaska DHHS Adolescent Health Initiative training materials appearing on the health.alaska.gov site includes mental health screening and treatment as part of medical services.

Is consent conditional on the status of a youth?

1. Emancipated due to court order. *Alaska Stat. § 25.20.025.*
2. Living apart from the parent or guardian and the youth is managing their own finances (regardless of the source or scope of income). *Alaska Stat. § 25.20.025.*
3. The minor is married or had been married. In Alaska, a minor is considered to have reached the age of majority upon being married in accordance with Alaska law. *Alaska Stat. § 25.20.020.* Minors age 16-17 may marry in Alaska with parental or judicial consent. *Alaska Stat. § 25.05.171.*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

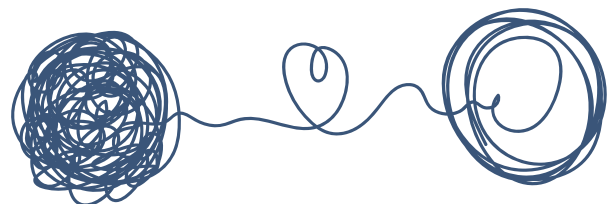
Alaska Stat. § 25.20.025 limits consent to “medical and dental services”. While “medical services” is not defined, Alaska DHHS

Access

Can a youth apply for medical coverage that includes mental health treatment on their own?

In general, youth ages 18 and younger will need a parent, guardian, or caseworker to submit the application for coverage under the Denali KidCare (CHIP) program. However, the Division of Public Assistance (“DPA”) may allow youth to apply for coverage independently, on a case-by-case basis, depending on the individual circumstances. The individual would need to contact the DPA for assistance. *Source: Alaska Medicaid Recipient Helpline – 800.780.9972.*

Individuals may apply for the Denali KidCare program online, by phone, or by submitting a paper application.



Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state or is there any other option for low-income adults to get medical coverage)?

Yes – The Under 21 Medicaid program provides comprehensive health care coverage for individuals age 19-21 who meet the income and resource guidelines and do not qualify under other Medicaid categories.

Are there any programs for undocumented youth?

There are no specific programs. To be eligible for Medicaid, an individual must be a US citizen, a qualified alien, or fall into certain categories of North American Indians. However, youth who are undocumented may apply for limited coverage for treatment of an emergency medical condition.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Community behavioral health services are available to Denali KidCare recipients. Clinic services are available to recipients who are experiencing an emotional disturbance, a severe emotional disturbance, or a substance use disorder. Rehabilitation services are available to recipients who are experiencing a severe emotional disturbance, a substance use disorder, or are diagnosed with autism spectrum disorder. Coverage for treatment at residential psychiatric treatment centers is provided for individuals up to age 21 for treatment of mental, emotional and behavior disorders.

Out-of-state services will be authorized when needed services are not available in Alaska.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Generally, no. Alaska does not ban best practice medical care for transgender youth. (Movement Advancement Project | Health Care / Bans on Best Practice Medical Care for Transgender Youth (lgbtmap.org)). There are no statutes, regulations, and/or agency policies on discrimination based on sexual orientation and gender identity in child welfare. (Movement Advancement Project | Child Welfare Nondiscrimination Laws (lgbtmap.org)). And there are no state laws or policies banning LGBTQ youth access to conversion therapy, but 39% of the state population is protected from conversion therapy by local ordinances (Movement Advancement Project | Conversion "Therapy" Laws (lgbtmap.org)). (i.e., one county, out of 18, has an ordinance prohibiting conversion therapy for minors). (Movement Advancement Project | State Profiles (lgbtmap.org)).

However, 64% of LGBTQ youth in Alaska who wanted mental health care in the past year were still not able to get it citing one or more of the following reasons:

- Afraid to talk about mental health concerns with someone else (42%)
- Did not want to have to get parent/caregiver's permission (40%)
- Could not afford it (36%)
- Afraid would not be taken seriously (32%)
- Afraid it would not work (32%)



Arizona

Age or Other Limitations

Is there an age range for consent?

No, there is no age range for consent.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, whether or not a minor has the ability to consent is contingent upon the status of the youth – only emancipated, married, or homeless minors and veterans are able to grant consent. *Ariz. Rev. Stat. § 44-132*.

“For purposes of this section, a homeless minor is an individual under the age of eighteen years, living apart from his parents and who lacks a fixed and regular nighttime residence or whose primary residence is either a supervised shelter designed to provide temporary accommodations, a halfway house, or a place not designed for or ordinarily used for sleeping by humans.” *Ariz. Rev. Stat. § 44-132(C)*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

The limitations on consent are unclear. There are two laws that govern the consent right and both include some description of the services to which minors are able to consent under certain circumstances, but neither is specific about exactly what these types of services entail:

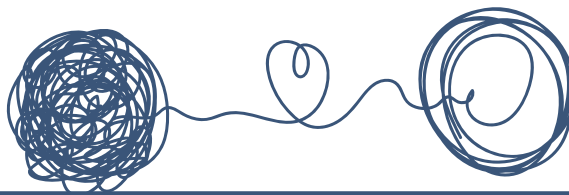
- *Ariz. Rev. Stat. § 12-2454*, which recognizes emancipated minors as adults for

purposes of consenting to “to medical, dental and psychiatric care” (though the law is not specific about what exactly this entails); and

- *Ariz. Rev. Stat. § 44-132*, which permits emancipated minors, lawfully married minors and homeless minors to consent to “the furnishing of hospital, medical and surgical care” (but, again, the law is not specific about what constitutes “hospital, medical and surgical care.”)

There are, however, a few limited instances where minors are explicitly permitted to consent to treatment without parental consent:

- A minor who has contracted a venereal disease may consent to the furnishing of hospital or medical care relating to the diagnosis or treatment of such disease. *Ariz. Rev. Stat. § 44-132.01*.
- Minors who are at least 12 years of age that are found, upon diagnosis of a licensed physician or registered nurse practitioner, to be under the influence of a dangerous drug or narcotic, which includes withdrawal symptoms, may be considered an emergency case and the minor is considered as having consented to hospital or medical case needed for treatment of that condition. *Ariz. Rev. Stat. § 44-133.01*.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It is unclear, the application says “Tell us how we can contact an adult member of your household” but there is no clear prohibition on a minor applying.

It appears that any adult can apply for a youth to receive CHIP through the Arizona Health Care Cost Containment System. The application/application process is available at the following website.

If a child’s income is too high for AHCCCS Health Insurance, the child may qualify for KidsCare at a low monthly premium. This program is available to Arizona residents under the age of 18, who are US citizens or qualified immigrants, who have a social security number or who applies for one, who are under the income limit, not currently covered by health insurance, does not qualify for coverage through a state agency employee, is not eligible to receive Medicaid coverage and is a member of a household that is willing to pay a premium. There is a chart available online that sets out options for accessing/paying for behavioral health in the state of Arizona, which is available here.

In addition to the options listed above, it is possible that youth may be able to obtain low cost medical or mental health treatment at sliding fee scale clinics, community organizations and or places of worship. (See for example,

the Arizona Children’s Association which serves the behavioral needs of children from birth up to their 22nd birthday. Although this is an AHCCCS insurance contracted provider, they also accept self-pay for many services and receive funding to offer specialty services, regardless of insurance.)

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

The Arizona Health Care Cost Containment System is Arizona’s Medicaid agency, which offers health care programs to serve Arizona residents and provides medical insurance coverage (including the costs of doctor’s visits, physical exams, immunizations, prenatal care, hospital care and prescriptions).

Are there any programs for undocumented youth?

The programs available from AHCCCS appear to only be available to United States citizens or qualified immigrants and, there are no programs for undocumented youth, but it appears that undocumented youth may be eligible for emergency services.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

According to the Arizona Health Care Cost Containment System’s website, most AHCCCS members (which would include members of CHIP or KidsCare), would be eligible to receive behavioral health services through their AHCCCS

Complete Care plan, which includes (but is not limited to): mental health counseling, _____ psychiatric _____ and psychologist services and opioid use disorder treatment.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

In 2022, Arizona Governor Doug Ducey signed into law Senate Bill 1138, which prohibits physicians from providing “irreversible gender reassignment surgery” to individuals under the age of 18. This law went into effect on April 1, 2023, and does not ban puberty blockers or other gender-affirming hormone therapy.

Also in 2022, Governor Ducey signed House Bill 2161 into law, which allows parents to sue school districts and school officials if they believe that an employee or district is “interfering with or usurping a parent’s fundamental right to direct the upbringing, education, health care and mental health of their children.” The bill specifically bar withholding evidence from parents about a student’s “purported gender identity” or a request to transition if that identity is “incongruous with the student’s biological sex”, and critics of the bill expressed concern that teachers keeping certain student confidences from their parents (including disclosures that the student is gay or transgender) could be punished by the state or sued by the parents. There is a

concern that this type of legislation could permit/require teachers to “out” gay or transgender students to their parents before the students are prepared to come out to their parents, which may have a negative impact on the mental health of the students and on the relationship that the students have with their families. In addition, research from the Trevor Project shows that LGBTQ youth are more at risk for homelessness and housing instability (mainly due to family conflict with the minor’s identity), which obviously has a direct impact on their mental health.



Arkansas

Age or Other Limitations

Is there an age range for consent?

There is not a specific age range for consent in the State of Arkansas, but there are several statutory exceptions that allow minors to consent to medical treatment (including surgeries) that are recommended by a licensed physician. Those exceptions are enumerated below, but “any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures, for himself or herself,” and as such, a minor of any age, as long as they meet this criterion would be able to consent to such treatment.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Except for the catch all mentioned above, consent is conditional as described in the next section.

Specifically in regard to homeless youth, *Ark. Code § 20-9-602(14)* says that a local educational agency liaison for homeless children and youths may consent for a minor patient if the child “(A) Meets the definition of a homeless child or youth under the federal McKinney-Vento Homeless Assistance Act...; (B) Is not in the care or custody of a parent or guardian; and (C) Is not in the care or custody of the department.”

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Medical consent in Arkansas is codified in *Ark. Code § 20-9-602*. The relevant provisions that pertain to the ability for minors to give and/or receive consent, either orally or otherwise, to “any surgical or medical treatment or procedure not prohibited by law that is suggested, recommended, prescribed or directed by a licensed physician” are guided by those set forth below:

"(2)(A) any parent, whether an adult or a minor, for his or her minor child....(B) However, the father of an illegitimate child cannot consent for the child solely on the basis of parenthood;

(3) any married person, whether an adult or a minor, for himself or herself;

(4) any female, regardless of age or marital status, for herself when given in connection with pregnancy or childbirth, except the unnatural interruption of a pregnancy; ...

(6) any emancipated minor, for himself or herself;

(7) any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures, for himself or herself; ...

“(9) During the absence of a parent so authorized and empowered, any maternal grandparent and, if the father is so authorized and empowered, any paternal grandparent, for his or her minor grandchild or for his or her adult grandchild of unsound mind; ...

(12) any minor incarcerated in the Department of Correction or the Department of Community Correction, for himself or herself;

(14) A local educational agency liaison for homeless children and youths ...when the minor patient meets certain criteria.

(A) Meets the definition of a homeless child or youth under the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11432 et seq., as existing on January 1, 2019;

(B) Is not in the care or custody of a parent or guardian; and

(C) Is not in the care or custody of the department.”

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

ARKids A is the state Medicaid program for children 19 years of age and younger. ARKids B is the CHIP program for children who have too much income attributed to their families to qualify for Part A, but still have no health insurance coverage.

The application is silent as to whether a minor can apply without an adult’s consent, but given the general consent rules above, it may be possible in certain circumstances.

Find the application for the program here: [ARKids Medicaid Application](#)

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. In 2014, Arkansas expanded its low income adult coverage to 133% of the federal poverty level. In 2021, they updated the Arkansas Works program to [ARHOME](#).

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Both ARKids A and ARKids B cover counseling services for behavioral health and substance use disorders. The ARKids B coverage requires a copayment. [See here](#).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

A law banning gender affirming care for minors (Arkansas House Bill 1570/[Act 626](#)) was recently struck down by federal Judge Moody in the 8th District. The risk of access to gender affirming care for minors persists, however, as the Attorney General for the State of Arkansas is appealing the [decision](#).

California

Age or Other Limitations

Is there an age range for consent?

Yes, 12 years old. There are two medical emancipation statutes:

A minor 12 or older can consent to mental health treatment if, in the opinion of the attending professional person², the minor is mature enough to participate in the mental health treatment intelligently. *Cal. Health & Safety Code § 124260(b)*.

A minor 12 or older can consent to mental health treatment if both of the following are met:

- a) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services; and
- b) The minor is either the alleged victim of incest or child abuse, or the minor would present a danger of serious physical or mental harm to self or others without the mental health treatment or residential shelter services. *Cal. Fam. Code § 6924(b)*.

Under both statutes, however, a minor's consent to treatment, provided independently of a parent or guardian, triggers a requirement for providers to assess whether the minor's parent or guardian should be involved in the treatment plan and to document the determination in the minor's treatment record.

The statutes mandate that treatment "shall include involvement of the minor's parent or guardian, unless the professional person who is treating or counseling the minor, after consulting with the minor, determines that the involvement would be inappropriate." *Cal. Health & Safety Code § 124260(c)*; *Cal. Fam. Code § 6924(c)*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

The minor's consent to care is typically limited to mental health treatment or counseling in outpatient settings only. *Cal. Health & Safety Code § 124260(a)(1)*; *Cal. Fam. Code § 6924(a)(1)*.

Neither statute permits minors to consent to inpatient mental health treatment, psychosurgery, convulsive treatment or psychotropic medication. *Cal. Health & Safety Code § 124260(e)*; *Cal. Fam. Code § 6924(f)*.

As with outpatient mental health treatment, minors 12 and older can independently provide consent to medical care and counseling relating to the diagnosis and treatment of a "drug- or alcohol-related problem." *Cal. Fam. Code § 6929(b)*.

Minors 12-15 years of age may be administered convulsive treatment only if it is an emergency situation and is deemed a lifesaving treatment and other criteria are met. If the minor is able to give informed consent, the treatment cannot be performed if the minor refuses. *Cal. Welf. & Inst. Code §§ 5326.8, 5326.85.*

Minors who are 16 and 17 years old must give voluntary informed consent for convulsive treatment. Many other conditions must be met before therapy can be given. *Cal. Welf. & Inst. Code §§ 5326.8; 5326.75; 5325(f).*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes. California's Medicaid program, titled Medi-Cal, offers a minor consent program which allows youths from age 12-20 to apply without their parent's consent. This program does not take this youths parent's income into eligibility consideration and therefore increasing the chance that the youth may be eligible for coverage. However, this coverage is more limited in scope, covering only the following:

- Sexually Transmitted Diseases (STDs)
- Drug and alcohol abuse
- Family planning
- Abortion
- Sexual assault
- Pregnancy
- Mental health outpatient care

There is a webpage that goes over these options and provides access and links to assistance. ([DB101 California - Benefits for Young People: Medi-Cal Eligibility for Young People](#))

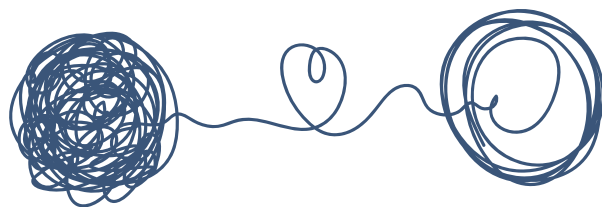
This program does not cover children who may be legally emancipated from their parents. The requirements are as follows to be eligible:

- You must reside in California,
- Are under age 21,
- Live with your parent(s)/caretaker, or
- Live temporarily away from home (i.e. attending school) but your parent(s) or caretaker are legally and financially responsible for you.

Children can apply if they already have Medi-Cal from their parent(s) or caretaker(s) case. ([Teen Services \(lacounty.gov\)](#) - this was linked from the DB101 webpage which provides various resources)

In order to apply for this service the DB101 webpage requires the youth to contact a benefits planner - which is linked on the site itself and would assist the youth in securing coverage.

There is also a Medicaid sub-regulatory document which provides that teens may apply for this program not just in-person but moving forward via telephone even post COVID-19 due to the success of the changes. ([I21-09 \(ca.gov\)](#))



Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

There are extended programs for pregnant individuals. ([DB101 California - Medi-Cal: Medi-Cal Categories](#)) Additionally, eligibility requirements for the minor consent program cover young people up to 20.

There is also information on how the rules change when a child becomes considered a legal adult in the state.

- Income-based Medi-Cal covers children 18 or younger if the total combined income of everybody who lives in the same household is 266% of the Federal Poverty Guidelines or less (\$79,800/year for a family of four).
- When a child turns 19, the limit goes down to 138% of FPG (\$41,400/year for a family of four). If a child doesn't qualify for income-based Medi-Cal as an adult, there are other options:
 - If the child's parents can get employer sponsored coverage, the child can be on plan until turning 26.
 - If employer-sponsored coverage is not available, the child can get help paying for individual coverage on Covered California if household income is over 138% of FPG.

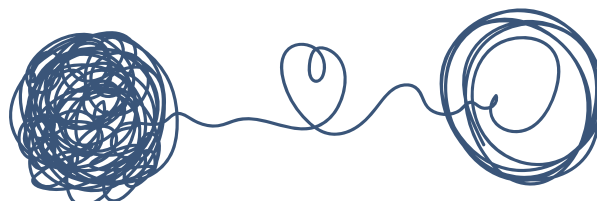
Note: If the child moves out of their parent's house and the parents don't claim the child as a dependent on their taxes, the child might qualify as a single person living alone. ([DB101 California - Parent Focus: Turning 18: Medi-Cal Rules That Change](#))

There is a waiver option in CA for children who were in foster homes. This waiver authorizes the Department to provide Medi-Cal benefits to individuals until they are 26 if they were in foster care on their 18th birthday. *Cal. Welf. & Inst. Code § 14005.28.*

Are there any programs for undocumented youth?

According to the CA benefits webpage these are the eligibility requirements for immigrants:

- Immigrants who have been legal residents for 5 years or longer or meet specific requirements qualify for all of the same programs that citizens can get.
- All immigrant children and young adults who are 25 years old or younger can get Medi-Cal coverage, if they meet all other program requirements.
- All immigrant adults who are 50 years old or older can get Medi-Cal coverage, if they meet all other program requirements.
- Undocumented adults who are 26 to 49 years old do not qualify for full Medi-Cal coverage, though they may qualify for Medi-Cal coverage for emergencies or during pregnancy.
- Non-citizens who have legal immigration status but do not qualify for full Medi-Cal coverage may qualify for private coverage subsidized by the government.
- ([DB101 California - Medi-Cal: Eligibility and Application](#))



Coverage

What do the state insurance programs actually cover re: mental health treatment?

The California Medicaid program provides full scope of benefits as defined by federal law. *Cal. Welf. & Inst. Code § 14005.26*. Specifically, the law provides the following concerning mental health treatment: the department shall ensure that all covered mental health benefits and substance use disorder benefits, as those terms are defined in Section 438.900 of Title 42 of the Code of Federal Regulations, are provided in compliance with Parts 438, 440, 456, and 457 of Title 42 of the Code of Federal Regulations, as amended March 30, 2016, as published in the Federal Register (81 Fed. Reg. 18390), and any subsequent amendment to those regulations, and any associated federal policy guidance issued by the federal Centers for Medicare and Medicaid Services. *Cal. Welf. & Inst. Code § 14197.1*.

Additionally, California's Medicaid program is regulated by the Department of Managed Health Care, therefore Medi-Cal plans must follow the regulations for health care service plans. The following regulations sets forth the essential health benefits which Medi-Cal plans must cover. *Cal. Code Regs. tit. 28, § 1300.67.005*. This webpage sets forth the benefits for Medi-Cal plans: [Medi-Cal Health & Dental Benefits](#). And specifically, this is listed out on the webpage for mental health benefits:

- Outpatient mental health services
- Outpatient specialty mental health services
- Inpatient specialty mental health services
- Outpatient substance use disorder services
- Residential treatment services
- Voluntary inpatient detoxification
- Medi-Cal Peer Support Services (select counties)

The State Medicaid program specifically covers trans-gender related health care:

- [APL 16-013 \(ca.gov\)](#).
- [DHCS Letterhead \(ca.gov\)](#).
- California Superior Court Case No. 00CS00954, Doe v. Bonta, (January 29, 2001)

The State recently began an initiative to better support access to behavioral/mental health care:

- [BH CalAIM Webpage](#)
- [DHCS Letterhead \(ca.gov\)](#).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

We have not found anything that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment in California.

For example, Senate Bill No. 107 seeks to make California a “refuge” for

gender affirming care for children and their families. See e.g., [SB 107](#) (designed to “protect trans kids and their families if they flee to California from Alabama, Texas, Idaho or any other state criminalizing the parents of trans kids for allowing them to receive gender-affirming care. If these parents and their kids come to California, the legislation will help protect them from having their kids taken away from them or from being criminally prosecuted for supporting their trans kids’ access to healthcare.”)

There is a state ban on conversion therapy: [Bill Text - SB-1172 Sexual orientation change efforts.\(ca.gov\)](#). Additionally, here are resources regarding CA’s efforts to protect LGBT youth in the welfare system:

- State law prohibits discrimination based on sexual orientation and gender identity in the provision of state programs and activities; SB 1441 (2006; effective 2007).
- State law prohibits discrimination against youth in the child welfare system on the bases of sexual orientation and gender identity. See AB 458 (2003; effective 2004), *Cal. WIC 16001.9*, and *Cal. Code Regs. tit. 22, §83072*.
- State law requires LGBTQ-inclusive cultural competency training for foster agencies and staff. See AB 458 (2003) and *Cal. Code Regs. tit. 22, § 88022*.

- State law requires that transgender youth in out-of-home care be placed according to their gender identity. See SB 731 (2015), and *Cal. WIC 16001.9.19*

The State Medicaid program specifically covers gender affirming health care (see above for sources) – so there does not seem to be any negative impacts to these services.



Colorado

Age or Other Limitations

Is there an age range for consent?

- Yes. 15 years old for mental health services, 12 for psychotherapy.
- Colorado HB 19-1120 was signed into law and went into effect in May 2019, lowering the age of consent for psychotherapy services from 15 years old to 12 years old.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

- Must have a mental health diagnosis
- Must be at risk of out-of-home placement
- Isn't eligible for Medicaid
- Accesses the program prior to their 18th birthday
- Doesn't have a pending or current dependency and neglect action with child welfare
- Colorado Mental Health Professions and Occupations statutes permit a minor 12 years of age or older to seek and obtain psychotherapy services with or without the consent of the minor's parent or guardian if the mental health professional determines (i) the minor is knowingly and voluntarily seeking the psychotherapy services and (ii) such services are clinically indicated and necessary to the minor's well-being.
- Source: Children and Youth Mental Health Treatment Act | Behavioral Health Administration (colorado.gov).

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Age of consent is 15 years old for undefined “mental health services”. Covered services must be rendered by a facility, a professional person, or a licensed mental health professional in any practice setting. *Colo. Rev. Stat. § 27-65-103.*

Age of consent is 12 years old for “[p]sychotherapy,” defined as “the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders; understand unconscious or conscious motivation; resolve emotional, relationship, or attitudinal conflicts; or modify behaviors that interfere with effective emotional, social, or intellectual functioning.” Covered services must be rendered by a mental health professional, defined to include:

- A professional person (as defined by the Behavioral Health statutes),
- A licensed mental health professional,
- A licensed professional counselor candidate,
- A psychologist candidate, or
- A school social worker licensed by the Dept. of Education

Colorado Mental Health Professions and Occupations statutes, as modified by HB 19-1120

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It is not immediately apparent whether minors can apply *for themselves* (without a parent or guardian), though they are certainly eligible.

The paper application says “I have the right to declare an Authorized Representative. If I am declaring an Authorized Representative, by signing below, I allow this person to sign my application, get official information about this application, and act for me on all future matters with this agency.” Under that line is where the guardian would sign.

Helpful links:

- [Colorado Office of Early Childhood | Oec ecmhreferralform](#)
- [I Matter \(imattercolorado.org\)](#)

Who Qualifies?

- Children ages 0-18 whose household income does not exceed 142% Federal Poverty Level (FPL)
- Pregnant Women whose household income does not exceed 195% FPL
- Parents and Caretaker Relatives (applicant must have a dependent child) whose household income does not exceed 133% FPL
- Adults without dependent children whose household income does not exceed 133% FPL

Eligibility requirements can be complex. Visit [PEAK](#) for more information.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes; [see here](#). Up to 21 if special needs.

*Source: Children Youth & Families | Behavioral Health Administration (colorado.gov)

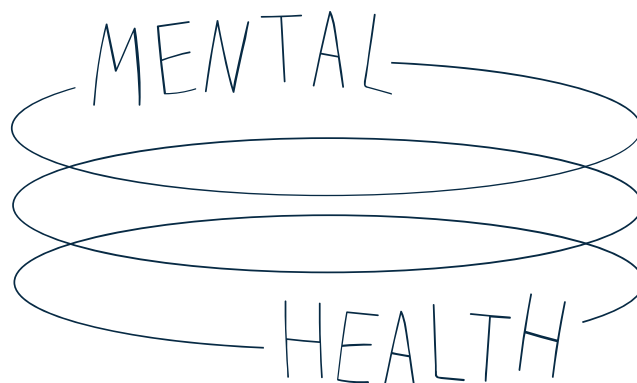
Are there any programs for undocumented youth?

Yes. The HealthFirst Colorado program indicates that in order to apply, an applicant would need “Immigration document numbers for non-citizens.”

[See website here.](#)

Other resources:

- [No Cost Mental Wellbeing Support for Immigrants – DCAC | UndocuHub](#)
- [Coalition for Immigrant Mental Health](#)
- [Immigrant and Refugee Center of Northern Colorado](#)
- [Immigrants Rising–Mental Health Connector](#)
- [Informed Immigrant – Mental Health](#)



Coverage

What do the state insurance programs actually cover re: mental health treatment?

Colorado state law requires that health insurance companies cover services for mental and behavioral health conditions the same way they cover other medical conditions, like diabetes or heart disease. Mental / Behavioral Health and Insurance | DORA Division of Insurance (colorado.gov).

IHealth First Colorado (Colorado's Medicaid program) members are eligible for behavioral health services, including mental health and substance use disorder care.

The list of Health First Colorado available mental health services is available at this link.

The list of benefits is available here, and includes:

- Assertive Community Treatment
- Case management services
- Clubhouse/drop-in centers
- Drug screening and monitoring
- Emergency services
- Individual and group therapy
- Inpatient hospital psychiatric care
- Medication management
- Outpatient psychiatric services
- Prevention and early intervention
- Psychiatrist services
- Recovery services
- Residential and inpatient substance use disorder services
- Residential mental health services
- Respite services
- School-based and day treatment services for children/youth

- Social detoxification services
- Vocational services

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

There is nothing in the state law that would negatively affect LGBTQ+ youth. Colorado was the first state in the country to explicitly include gender-affirming care in its health insurance plan for essential health benefits. <https://doi.colorado.gov/for-consumers/consumer-resources/special-insurance-topics/lgbtq-health-care-rights/gender-affirming>.

That said, there are a flurry of news articles indicating that Colorado Children's Hospital is ending gender-affirming surgeries for adults and have scrubbed references to gender-affirming care from its website, as a result of harassment and threats suggesting that they are improperly performing surgeries on children. <https://www.lgbtqnation.com/2023/07/amid-threats-colorado-hospital-ends-gender-affirming-surgeries-for-adults/>

Such website deletions and policy changes can delay patients' procedures, hide information that would help make some people feel more comfortable pursuing gender-affirming care at a hospital, and make it more difficult for care-seekers to find and obtain local service. <https://www.nbcnews.com/nbc-out/out-news/colorado-childrens-hospital-halts-gender-affirming-surgeries-adult-pat-rcna95120>

Connecticut

Age or Other Limitations

Is there an age range for consent?

No explicit age range, but the requirements for a provider to document the reasons for the determination to treat the minor will likely restrict application to minors who are sufficiently old or mature enough as determined by a physician.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes, the statute only covers outpatient mental health treatment. Under the statute, outpatient mental health treatment is defined in Conn. Gen. Stat. § 19a-14c as follows:

“The treatment of mental disorders, emotional problems or maladjustments with the object of (1) removing, modifying or retarding existing symptoms; (2) improving disturbed patterns of behavior; and (3) promoting positive personality growth and development. Treatment shall not include prescribing or otherwise dispensing any medication which is a legend drug as defined in section 20-571.”

The term “legend drug” is defined in the referenced statute to mean:

“A drug that is required by any applicable federal or state law to be dispensed pursuant only to a prescription or is restricted to use by prescribing practitioners only, or means a drug that, under federal law, is required to bear either of the following legends: (A) “RX ONLY” IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT...”

As such, prescription medications are excluded from the ability for minors to consent to treatment.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It is unclear. The form available online to apply for Medicare programs including CHIP does not require an attestation that the applicant is over the age of 18, which indicates a minor may be able to apply on their own. The [form is available here](#).

Individuals can also apply online through www.accesshealthct.com.

The information for where to apply is readily available if you look up how to apply for HUSKY B, but there is not a lot of information on minors applying themselves.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Adults with no minor children at home and who make less than \$1,677/month (\$20,124/year) can qualify for HUSKY D, one of the programs under Connecticut's Medicaid program (HUSKY A, C, and D are all Medicaid). (Source)

Are there any programs for undocumented youth?

Yes. CT recently announced “two new state funded health coverage programs for children in 2023. They are State HUSKY A and State HUSKY B for Children. These programs cover uninsured children ages 0-12 with household income between 0-323% of the Federal Poverty Level (FPL), who do not qualify for regular HUSKY A Medicaid or HUSKY B CHIP coverage because they do not have a qualifying immigration status.” (Source)

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Connecticut's Children's Health Insurance Program (CHIP) is called HUSKY A or B.

- HUSKY A (also known as Medicaid) provides free or low-cost health insurance for children and their parents or a relative caregiver for low-income families.

- HUSKY B provides a free or low-cost health insurance program for children and youth up to age 19 for families who are not income eligible for HUSKY A. (Source)

HUSKY A and B cover “behavioral health services” through the CT Behavioral Health Partnership (<https://www.ctbhp.com/>):

Member handbook is available in English ([here](#)) and Spanish ([here](#))

Covered behavioral health benefits and services include:

- Psychiatric hospitalization
- Observation
- Inpatient Withdrawal Management
- Partial Hospitalization Program (PHP)
- Extended Day Treatment (EDT)
- Psychiatric Residential Treatment Facility (PRTF)
- Residential Treatment Center for Children through DCF
- Adult Group Homes through DMHAS
- Child Group Homes through DCF
- Home-based Services for Ages 21 and under
- Case Management for Ages 21 and under
- Outpatient Services
- Intensive Outpatient Services (IOP)
- Electro Convulsive Therapy (ECT)
- Methadone Maintenance
- Medication for Addiction Treatment (MAT)
- Ambulatory Withdrawal
- Autism Spectrum Disorder Services (ASD)
- Psychological Testing, and
- Home Health Services for Behavioral Health Issues

- Cost
 - Minors covered under HUSKY A do not have a co-pay.
 - Minors covered under HUSKY B ordinarily have co-pays for non-preventative services and monthly premiums for children covered under HUSKY B, Band 2. However, HUSKY B eliminated the co-pay requirement for all behavioral health services under the Connecticut Medical Assistance Program as of September 1, 2018 ([Source](#)).

SERVICES	HUSKY B PAYS	MEMBER PAYS
Mental Health Inpatient	100%	No Copay
Mental Health Outpatient	100%	No Copay
Inpatient withdrawal management (formerly known as detoxification)	100%	No Copay
Substance use disorder Outpatient	100%	No Copay
Short & Long-term Rehabilitation	Covered services include home based and community-based rehabilitation and emergency mobile rehabilitation services	No Copay
Home Health Care	100% Medication administration. Excludes: Custodial care, homemaker care or care that may be provided in a medical office, hospital, or skilled nursing facility and offered to the member in such setting.	No Copay
Residential Services	100% Department of Children & Families (DCF) residential treatment, crisis stabilization, group home, shelter, safe home, foster care, community housing assistance, and transitional living.	No Copay

- Covered services, Limitations, Prior Authorization requirements: the [Member Handbook](#) provides charts of covered Behavioral Health services for mental health and substance use disorder treatment:
 - Pp. 6-8 of the handbook provide covered services and limitations for HUSKY A members
 - PP. 8-10 of the handbook provide covered services and limitations for HUSKY B members
 - PP. 20-22 of the handbook provides a full description of covered behavioral health services

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

The Office of Legislative Research of the Connecticut General Assembly published a report on November 15, 2022 titled Parental Control and Teenagers' Rights, which notes that "[Connecticut] state law does not specifically address teenagers' ability to make decisions about care relating to gender dysphoria, but existing laws on outpatient mental health sessions for minors may apply." (Report can be found [here](#))

- The report notes that the American Psychiatric Association recognizes gender dysphoria as a mental disorder, and thus treatment of gender dysphoria in minors may be covered under the laws relating to mental health sessions for minors. (see parts 1-2 above for which mental health services a minor can consent to without parental consent)
- Connecticut has comprehensive coverage of treatment and services related to gender transitions and reassignment, and as of 2017 coverage was added under HUSKY B ([source](#)). However, for certain treatments beyond outpatient mental health sessions, parental consent is required (e.g., for hormone therapy treatments).



Delaware

Age or Other Limitations

Is there an age range for consent?

A minor aged 18 may consent for themselves regarding health care, including mental health care, except as described below. *DE ST T. 13 § 707*. In some cases, a minor ages 14-18 can consent to outpatient mental health care.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, as described below.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

“Consent to the performance upon or for any minor by any licensed medical, surgical, dental, psychological, or osteopathic practitioner or any nurse practitioner/clinical nurse specialist or any hospital or public clinic or their agents or employees of any lawful medical treatment, and to the furnishing of hospitalization and other reasonably necessary care in connection therewith, may be given by:

- (1) A parent or guardian of any minor for such minor;
- (2) A married minor for himself or herself or, if such married minor be unable to give consent by reason of disability, then by his or her spouse;
- (3) A minor of the age of 18 years or more for himself or herself;

- (4) A minor parent for his or her child;
- (5) A minor or by any person professing to be serving as temporary custodian of such minor at the request of a parent or guardian of such minor for the examination and treatment of any (i) laceration, fracture or other traumatic injury suffered by such minor, or (ii) any symptom, disease or pathology which may, in the judgment of the attending personnel preparing such treatment, if untreated, reasonably expect to threaten the health or life of such minor; provided, however, that the consent given shall be effective only after reasonable efforts shall have been made to obtain the consent of the parent or guardian of said minor; or
- (6) A relative caregiver acting pursuant to an Affidavit of Establishment of Power to Relative Caregivers to Consent to Medical Treatment of Minors.” *DE ST TI 13 § 707*.

“A minor 12 years of age or over who professes to be either pregnant or afflicted with a contagious, infectious or communicable diseases, or who professes to be exposed to the chance of becoming pregnant, may give written consent, except to an abortion, to any licensed physician, hospital or public clinic for any diagnostic, preventative, lawful therapeutic procedures, medical, or surgical care and treatment, including x-rays, by any physician licensed for the practice of medicine or surgery or osteopathic medicine or surgery.” *DE ST TI 13 § 710*

For inpatient mental health treatment, parental consent is required. For voluntary outpatient:

- 14 - 18 years of age = no consent from parent required
- Under 14 years of age = a parent, legal custodian, or legal guardian shall make the request for voluntary outpatient mental health treatment and give written consent for treatment. *DE ST TI 16 § 5003*

For voluntary treatment for substance abuse:

- 14 years old or younger = parental consent needed
- Over 14 years of age = no consent required for nonresidential treatment. *DE ST TI 16 § 2210.*

Minors may not consent to receive psychotropic drugs. Only a parent, legal guardian, or legal custodian may consent to the administration of such medication. *DE ST T. 16 § 5003.*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Any person of competent legal capacity may contract for insurance, including minors not less than 15 years of age. *DE ST TI 18 § 2707.* A minor child (under 18) may qualify for the “Delaware Healthy Children Program”, which is coverage with a small monthly premium that ranges from \$10 to \$25 per month depending on the family’s income. [[Medicaid FAQ - Delaware Health and Social Services - State of Delaware](#)]

But the application specifies that parents or caregivers can fill out and mail an application form on paper, or complete and submit an application on the internet. A paper application form may be obtained either by calling the Delaware Healthy Children Program (DHCP) at 1-800-996-9969 or by printing a copy of the DHCP application form. An online application using [ASSIST](#)- the State of Delaware's Application for Social Service Programs may also be used.

Proof of family income (full month's pay stubs, award letters, or latest tax-return if self-employed), proof of identity and citizenship or lawful alien status (copy of front & back of alien card or INS paperwork), and proof of pregnancy (if someone in the household is pregnant) also needs to be mailed in with your application. [[DMMA Medical Assistance Programs: Delaware Healthy Children Program - How to apply - Delaware Health and Social Services - State of Delaware](#)]

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes - Household income must be under certain limits as defined by the Federal Poverty Level and is based on family size. For Long Term Care programs, financial resources must also be under a certain amount. There are also specific programs for individuals who meet certain medical or disability tests, or who qualify due to age or pregnancy.

[Medicaid FAQ - Delaware Health and Social Services - State of Delaware](#)]

Are there any programs for undocumented youth?

Lawmakers are considering a proposal to extend health care assistance to undocumented children.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

“AmeriHealth Caritas Delaware reviewed processes, strategies, and/or evidentiary standards (as applicable) to determine compliance with Mental Health Parity regulations in Delaware and the Mental Health Parity and Addiction Equity Act (MHPAEA). Based upon that review, AmeriHealth Caritas Delaware has met established regulations for Mental Health Parity for the calendar year of 2021.” It covers depression, bipolar disorder, anxiety, panic attacks and panic disorder and schizophrenia.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

- Right to change legal gender in Delaware is legal, surgery is not required
- Legal recognition of non-binary gender is not legally recognized
- There is legislation protecting LGBTQ youth in the state from “conversion therapy.”



District of Columbia

Age or Other Limitations

Is there an age range for consent?

There is no age range for consent to outpatient mental health services and support where certain requirements are met. Youth must be at least 16 years old to consent to medication.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, whether or not a minor has the ability to consent is not contingent upon the status of the youth.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Absent an emergency situation, no minor may be admitted for inpatient mental health services without the consent of a parent or legal guardian. *D.C. Code § 7-1231.14 (a)*. There are, however, a few limited instances where minors are explicitly permitted to consent to outpatient treatment and medication without parental consent:

- Outpatient mental health services/support: “A provider may deliver outpatient mental health services and mental health supports other than medication to a minor who is voluntarily seeking such services without the permission of a parent/legal guardian if the provider determines that: (a) the minor is knowingly and voluntarily seeking the services; and (b) provision of the services is

clinically indicated for the minor’s well-being. Such services or support is limited to a period of 90 days before a new determination must be made.” *D.C. Code § 7-1231.14 (b)*.

- Medication: “A youth sixteen or older may agree to psychiatric medication without the permission of a parent/legal guardian or a judge’s order when his/her doctor finds that the youth can consent and that the medication is appropriate and: (1) the parent/legal guardian is not available; (2) requiring the consent of the parent/legal guardian would be detrimental or harmful to the child; or (3) when the parent/legal guardian refuses to consent.” *D.C. Code §§ 7-1231.08, 7-1231.14 (c)(2)*.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No. The application states “We’ll need one adult in the family to be the contact person for your application.”

But DC’s Department of Behavioral Health (DBH) further offers a free 24/7 hotline staffed by behavioral health professionals who can refer a minor caller to find available mental health services. Youth are encouraged to call the Helpline for “help dealing with the drama of family, death, school, drugs, gangs and violence [and professionals

can assist with] feelings of hopelessness, anger, grief, stress or whatever is troubling you.”

Access HelpLine at 1(888)7WE-HELP or 1-888-793-4357

Apply for Medicaid / DC Healthy Families via this link.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, adults age 21-64 who do not have dependent children, pregnant women, parents and caretaker relatives, and children under age 21 are eligible for the DC Healthy Families program.

DC Healthcare Alliance provides additional medical assistance to District residents who are not eligible for Medicaid. The program serves low-income DC residents aged 21 and older who have no other health insurance, are not eligible for either Medicaid or Medicare, and who meet financial eligibility requirements. Notably, individuals do not need to be a US citizen or legal immigrant to be eligible for this coverage.

Are there any programs for undocumented youth?

Yes, D.C. Healthy Families has a special Medicaid program for immigrant children who do not qualify for Medicaid or other insurance because of immigration status. Specifically, the DC Immigrant Children’s Health Insurance Program is designed to provide health

coverage to individuals under the age of twenty-one (21) who are not eligible for Medicaid. Once a child has been determined eligible for the Immigrant Children’s Program, he or she will be automatically assigned to a managed care health plan. District residents can apply to the Immigrant Children’s Program online or in person. See here, and also here.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Per the link, the District does have a 24-hour Department of Behavioral Health Access Help Line.

NAMI Family-to-Family is a free, 8-session educational program for families, significant others, and friends of people with mental health conditions. Taught by NAMI-trained family members, the course provides information and strategies for taking care of your loved one. It includes presentations, discussions, and interactive exercises. Research shows that the program significantly improves the abilities of those who are closest to a person with a mental health condition to cope and solve problems.



Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Per the links [here](#), [here](#), and [here](#), it appears that anyone with any LGBTQ concerns is free to contact this Trevor project or Trans LifeLine for any type of support.

Trained counselors understand the challenges these young people face and listen without judgement. All conversations are confidential and there is the option to call, text or chat. Stigma surrounding mental health is prevalent in many communities, often leading to shame, silence, and avoidance. Within BIPOC communities specifically, cultural factors and historical trauma can further complicate discussions around mental health. There are many resources available at this [link](#).



Florida

Age or Other Limitations

Is there an age range for consent?

Effective 7-1-2021, except as otherwise provided by law, Florida's parental consent law provides that it is a misdemeanor for a health care practitioner to provide, solicit or arrange to provide health care service or prescribe medicinal drugs to a minor child without first obtaining parental consent. See *Fla. Stat. Ann. § 1014.06*.

"Parent" means a person who has legal custody as a natural or adoptive parent or legal guardian.

The Florida Medical Association interprets the "as otherwise provided by law" language as exempting from this new parental consent law the existing statutes that otherwise permit treatment without parental consent.

Pertinent to mental health and substance abuse treatment, those laws/exceptions include:

- Disability of non-age removed: emancipated minors (pursuant to court order) and married minors can consent to medical examination and treatment (including mental health).
- Certified unaccompanied homeless youths age 16 years and older can consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment. See *Fla. Stat. Ann. § 743.067*.

- The youth must apply for and receive a certificate re: their unaccompanied homeless youth status.

- Minors age 13 years and older who experience an emotional crisis to such a degree that he or she perceives the need for professional assistance can consent to certain outpatient services. There is a restriction on what kind of services can be provided, who can provide these services, and the number of services that can be provided before parental consent is required. See *Fla. Stat. Ann. § 394.4784*.
- Minors of any age can consent to obtaining voluntary substance abuse impairment services from a licensed service provider. See *Fla. Stat. Ann. § 397.601*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Certified unaccompanied homeless youth aged 16 and up (Fla. Stat. Ann. § 743.067)

1. Person must meet statutory requirements for "unaccompanied homeless youth"
 - 16 or 17 years old
 - Must be "unaccompanied": Not in the physical custody of a parent or guardian, including a youth who has run away from home, who has been forced to leave his or her home, or whose parents have left the area and left the youth behind.
 - Must be "homeless" as defined in the McKinney-Vento Act.

- The determination that a youth is homeless and unaccompanied can be made, and the required certificate can be issued by: a school district's homeless liaison, the director of an emergency shelter program and/or a runaway or homeless youth basic center or transitional living program funded by the U.S. HUD, a licensed clinical social worker, or a circuit court.

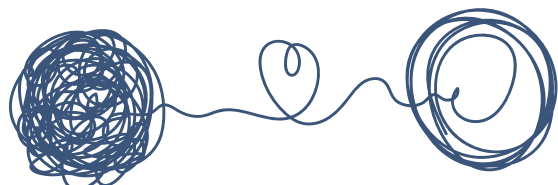
Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

A Certified Unaccompanied Homeless Youth may not consent to voluntary admission to a psychiatric facility.

Minors aged 13 and up may access outpatient crisis intervention services and treatment as follows: (*Fla. Stat. Ann. § 394.4784*)

- Outpatient mental health diagnostic and evaluative services provided by a licensed mental health professional, as defined by Florida Statutes, or in a mental health facility licensed by the state.
- Outpatient crisis intervention services including individual psychotherapy, group therapy, counseling, or other forms of verbal therapy provided by a licensed mental health professional, as defined by Florida Statutes, or in a mental health facility licensed by the state.



Additional limitations:

- Services shall not include medication and other somatic methods, aversive stimuli, or substantial deprivation.
- Services shall not exceed 2 visits during any one-week period in response to a crisis situation before parental consent is required for further services.

Fla. Stat. Ann. § 743.0645 also lists adults other than a parent/guardian who can consent to medical care or treatment of a minor, when, after a reasonable attempt, the person who has the power to consent as otherwise provided by law cannot be contacted by the treatment provider and actual notice to the contrary has not been given to the provider by that person:

- A person who possesses a power of attorney to provide medical consent for the minor
- The stepparent
- The grandparent of the minor
- An adult brother or sister of the minor
- An adult aunt or uncle of the minor.

“Medical Care” would include mental health treatment but expressly excludes provision of psychotropic medications or other “extraordinary procedures.”

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Children under the age of 18 are not able to enroll in Florida KidCare ([CHIP Insurance in Florida](#)) without a parent

or legal guardian. Researcher had to call Florida KidCare (1-88-540-5437) to get this information.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

To be eligible for Florida Medicaid, you must be a resident of the state of Florida, a U.S. national, citizen, permanent resident, or legal alien, in need of health care/insurance assistance, whose financial situation would be characterized as low income or very low income. You must also be one of the following: Pregnant, or be responsible for a child 18 years of age or younger, or blind, or have a disability or a family member in your household with a disability, or Be 65 years of age or older.

Various websites offer services to find affordable health care that is not sponsored by the government.

Are there any programs for undocumented youth?

No. Florida Kid Care only offers services to those “Lawfully Residing.”

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Federal statutes require Medicaid and CHIP programs to comply with mental health and substance use disorder parity requirements. MHPAEA (Mental Health Parity and Addiction Equity Act)

requires coverage for mental health and substance use disorders to be no more restrictive than the coverage that generally is available for medical/surgical conditions. ([Health Insurance and Mental Health Services | MentalHealth.gov](#)).

Florida Kid Care offers health insurance from different vendors depending on age group, from birth until 18 years old. Each provider offers insurance coverage for mental health treatment, however the website has limited information about what is actually covered. Florida Department of Children and Families provides that Medicaid services in Florida include a wide array of non-residential community mental health service planning, assessment, and treatment services.



Additionally, Medicaid reimburses for specialized therapeutic foster care and crisis intervention provided in a certified therapeutic foster home. Seeing as these are Medicaid services, they would have to comply with the MHPAEA referenced above. Section 394.4781, Florida Statutes, authorizes the Department to pay a portion of the costs associated with residential care for children who have been diagnosed with severe emotional disturbance, who are recommended to need a residential level of mental health treatment by a Florida licensed psychologist or psychiatrist, and who are not eligible for public or private insurance. Coverage for mental health services is dependent on the vendor, which is dependent on the county of the youth seeking access.

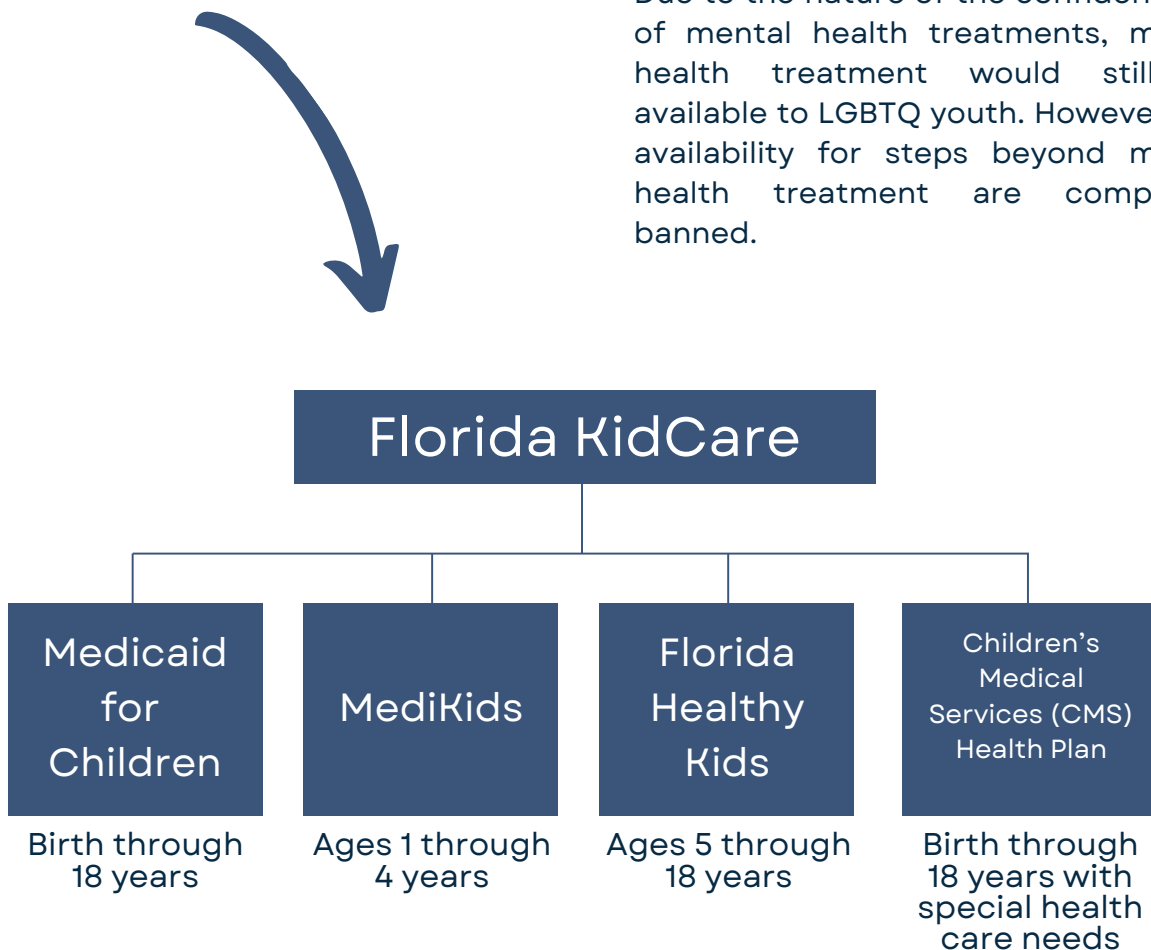
Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Under Florida's law, providing gender-affirming care to new patients under 18 is a felony.

Gender affirming care, for purposes of the statute, refers to “Sex-reassignment prescriptions or procedures,” the definition of which does not address mental health treatment. This law is obviously focused on physical treatments and procedures.

Due to the nature of the confidentiality of mental health treatments, mental health treatment would still be available to LGBTQ youth. However, the availability for steps beyond mental health treatment are completely banned.



Georgia

Age or Other Limitations

Is there an age range for consent (e.g., only 16-17 yo)?

The age of legal majority in Georgia is 18. *Ga. Code Ann. § 39-1-1*. Until a child reaches the age of 18 or becomes emancipated, the child remains under the control of the parents. *Ga. Code Ann. § 19-7-1*. Emancipation can occur by operation of law or by petition by a child who is at least 16 years old. *Ga. Code Ann. § 15-11-720*. Upon emancipation, a minor has the right to obtain health care without parental knowledge. *Ga. Code Ann. § 15-11-727*.

There are specific statutes that relate to mental health treatment that allow a patient to seek voluntary treatment at the age of 12, however there are limitations. *Ga. Code Ann. §§ 37-3-20, 37-7-20*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

There are a few unique circumstances under which a minor can obtain treatment, but their relationship specifically to mental health treatment is unclear because use of the terms “treatment” and “therapy” are not well-established. People who can consent to medical treatment include:

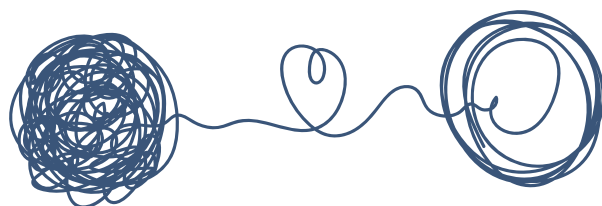
“Any female, regardless of age or marital status, can consent to medical treatment for herself when given in connection with pregnancy, or the prevention thereof, or childbirth” and a minor for their minor child. *Ga. Code Ann. § 31-9-2*.

A minor may consent to medical care, and any such treatment shall involve procedures and therapy related to conditions or illnesses arising out of the drug abuse. *Ga. Code Ann. § 37-7-8*. Note, however, that the treating medical professional *may* inform a parent of the treatment, including over the minor’s objection.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

A minor can seek voluntary treatment at the age of 12, however there are limitations. The chief medical officer of any facility may receive for observation and diagnosis any patient 12 years of age or older making an application as well as any patient under 18 years of age when the application is made by a parent. If there is evidence of mental illness or alcoholism/drug dependence/drug abuse and the patient is suitable for treatment, the minor may be given care and treatment at the facility. However, parental consent is required for inpatient treatment. *Ga. Code Ann. §§ 37-3-20 (mental illness), 37-7-20 (alcoholism or drugs)*.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No.

- PeachCare for Kids. Provides comprehensive coverage to uninsured children, including mental health care. Application notes that it must be completed by an “adult in the family”.
- Georgia Families 360. Eligible children in Foster Care and Department of Juvenile Justice may be enrolled in Georgia Families 360 program. Children are assigned a Care Coordinator to help get the health care he or she needs, including behavior health services.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

No. See here.

Are there any programs for undocumented youth?

No. To be eligible, “children must be U.S. citizens of a qualified alien in order to receive benefits under the PeachCare for Kids® program. The child must have also been qualified for at least five years unless he/she came into the country before August 22, 1996.

This five-year rule does not apply to asylees or refugees and those serving in the military. Some exceptions to the citizenship requirements do exist” but are not listed.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

- PeachCare for Kids lists “mental health care” as an included benefit, but provides no additional details regarding included services.
- Medicaid covers a robust list of mental health treatment, and lists eligibility for certain services up to age 21.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

While not a prohibition on mental health treatment, the new laws enacted under SB 140 are likely to be a barrier to treatment for LGBTQ, and particularly transgender, youth. The new statutes in *Ga. Code Ann. §§ 31-7-3.5 and 43-34-15* prohibit specified treatment for gender dysphoria in minors. Specifically, the bill bans “sex reassignment surgeries, or any other surgical procedures, that are performed for the purpose of altering primary or secondary sexual characteristics” and “hormone replacement therapies.” This is currently being litigated in the federal courts.

There are some limited exceptions for treatments for medical conditions other than gender dysphoria, medically

verifiable disorders of sex development, individuals with partial androgen insensitivity syndrome, and continued treatment of minors who are, prior to July 1, 2023, being treated with irreversible hormone replacement therapies.

On August 20, 2023, a federal judge issued a temporary injunction to stop provisions of SB 140 from taking effect while the case plays out in federal court. Judge Sarah E. Geraghty found that the Plaintiff's had a "substantial likelihood of success on the merits of their equal protection claim," indicating that SB 140 could later be permanently struck down by the court.

SB 141 and HB 653 which both relate to general provisions relative to professions and businesses, so as to prohibit health care providers from performing specified practices on minors relating to altering a person's appearance relating to gender, are still making their way through the legislature.



Hawaii

Age or Other Limitations

Is there an age range for consent?

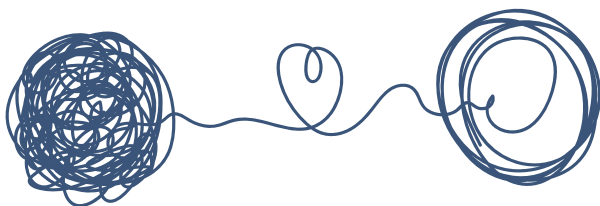
14 years of age or older. (Act 37 SLH 2020; Haw. Rev. Stat. § 577-29.)

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, all minors 14 years of age or older may consent to outpatient mental health services without the consent, knowledge or participation of their parents. However, minors can only do so upon consultation and agreement of their licensed therapist. (Haw. Rev. Stat. § 577-29.)

Additionally, “minors without support” may consent to primary medical care and services if the licensed health care practitioner* reasonably believes that (i) the minor understands the significant benefits and risks of the proposed primary medical care and services and can communicate an informed consent; (ii) the primary medical care and services are for the minor’s benefit; and (iii) the minor is a “minor without support”. (Haw. Rev. Stat. § 577D-2.)

**Licensed health care practitioner” includes dentists, physicians, physician assistants, and advanced practice registered nurses. Haw. Rev. Stat. § 577D-2.*



Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes. For mental health treatment specifically: (Haw. Rev. Stat. § 577-29)

- “The licensed mental health professional must believe the minor is mature enough to participate intelligently in the mental health treatment or counseling services* without parental or legal guardian consent, knowledge or participation.”
- “Mental health treatment or counseling services provided to a minor...shall include involvement of the minor’s parent or legal guardian, unless the licensed mental health professional or mental health professional and licensed mental health professional, after consulting with the minor, determines that the involvement would be inappropriate.”
- Minor initiated mental health services are for outpatient services only and not for inpatient or residential treatment or medications. “The consent of the minor’s parent or legal guardian is required to prescribe medication to the minor or to place the minor into an out-of-home or residential treatment program.”

**Mental health treatment or counseling services” means the provision of outpatient mental health treatment or counseling by a licensed mental health professional or mental health professional.*

For primary medical care and services: (Haw. Rev. Stat. § 577D-2.)

- “The licensed health care practitioner may provide primary medical care and services to a minor who consents to the primary medical care and services if the physician reasonably believes that (i) the minor understands the significant benefits and risks of the proposed primary medical care and services and can communicate an informed consent; (ii) the primary medical care and services are for the minor’s benefit; and (iii) the minor is a “minor without support.”

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No. The application states that “We need one adult in the family to be the contact person for this application”.

If the youth can find an adult to be the contact person, they can apply for CHIP through Hawaii’s Department of Human Services, Med-Quest Division (MQD). Here is the direct link to check eligibility and to apply.

An applicant can also apply over the phone at Med-Quest’s Call Center: 1-800-316-8005, if the internet is inaccessible.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, someone over the age of 19 can access coverage through the Quest

Integration, depending on income eligibility. Here is the website to apply.

If the applicant’s income is above the financial eligibility requirements, the applicant will be directed to the Federal Health Insurance Marketplace.

There is also a low-income program called Premium Assistance Program (PAP) for residents who are in families with very low-income and do not qualify for Medicaid.

Are there any programs for undocumented youth?

There are no specific programs for undocumented youth but if emergency services are necessary, they may be eligible for coverage of that emergent (specific) service.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The state insurance programs cover the following services regarding mental health treatment:

- Behavioral Health Services
- Additional Behavioral Health Services for Children
- Additional Behavioral Health Services for Adults

A Behavioral Health Services program for children (under the age of 21) is through the Child and Adolescent Mental Health Division (CAMHD). Children and youth must have been diagnosed with a qualifying mental health diagnosis by a Qualified Mental Health Professional, documents within

the past 12 months. Children and youth must be experiencing moderate to severe impairments in their daily functioning because of their mental health diagnosis.

One program catered to adults aged 21 or older with a diagnosis of Serious and Persistent Mental Illness (SPMI) and who are eligible for additional behavioral health service shall receive those services through the Community Care Services (CCS).

In addition, there is an early intervention program designed for teens and young adults experiencing unusual thoughts and behaviors called OnTrack Hawai'i.

There are also other crisis service centers that that help with mental illnesses and support the youth after disasters and traumatic events.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

There is currently no state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment. In 2022, Hawaii Gov. David Ige signed a bill into law that clarifies certain treatments insurers had deemed “cosmetic” to be covered as long as medical provider deems them medically necessary. Although it is little progress made, this gender-affirming care bill helps expand access to transition care among trans youth

and adults and helps to provide more of an inclusion environment for the LGBTQ community in medical care.



Idaho

Age or Other Limitations

Is there an age range for consent?

Idaho law specifies circumstances under which a minor can consent to medical treatment. Idaho law appears to limit minors' consent to these circumstances and does not set out a general or overarching standard for minors' consent to medical treatment.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

In laws that specify when minors can consent to medical treatment, there does not appear to be language or additional guidance indicating that consent is conditional on status of youth. Therefore, Idaho law does not appear to condition minor consent to medical treatment as limited to status (e.g., homeless youth).

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

The below Idaho laws set out standards for consent to medical treatment and specify circumstances under which minors can consent to medical treatment:

- Idaho Code Ann. § 39-4504 sets out order of authority of individuals who can consent to medical treatment for minors.
- Idaho Code Ann. §§ 39-4506, 4507 sets standard for sufficient form of consent.

- Idaho Code Ann. § 66-318 allows minors ages 14-18 to voluntarily admit themselves for mental health treatment. Provider must notify guardians. Guardians may apply for minor's release. It also allows emancipated minors to voluntarily admit themselves for mental health treatment. No additional conditions apply.
- Minors under age 14 must have guardian request for admission. Per Idaho Code Ann. § 66-307, "mentally ill" means a condition resulting in a substantial disorder of thought, mood, perception, or orientation that grossly impairs judgment, behavior, or capacity to recognize and adapt to reality and requires care and treatment at a facility or through outpatient treatment.
- Idaho Code Ann. § 37-3102 allows minors ages 16+ to consent to substance use disorder treatment and sets out confidentiality standards (i.e., non-disclosure).



Note that Idaho Code Ann. § 39-4503 sets out the general standard that any “person” who comprehends the risks of health care services is considered competent to consent to such health care services. This law does not define “person.” However, the law explicitly includes “developmentally disabled” persons. Third party articles indicate that Idaho jurists are unlikely to interpret this statute as including minors. Rather, they are more likely to interpret that minors’ right to consent to medical treatment is limited to existing laws that specify the circumstances under which minors can consent to medical treatment.

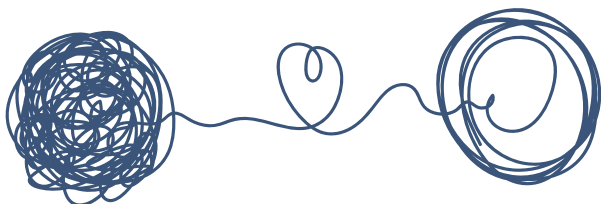
Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

The Medicaid application is available [HERE](#)

Individuals also can apply online at <https://idalink.idaho.gov/>.

The Medicaid application appears to allow a minor to apply for medical coverage on their own. The Medicaid application requires that the applicant provide their date of birth, but there is no explicit requirement that the applicant be over a certain age. In addition, the application indicates that “[a]nyone can use this application to apply for Medicaid.”



The application also provides that an authorized representative may assist in completing the application. Per the application, authorized representative includes a trusted friend, partner, or third-party caseworker or organization. An authorized representative must complete Appendix A of the application.

Medicaid

Children can apply for Medicaid if their household income is under 190% of the federal poverty level. From the Idaho Department of Health and Welfare website.

CHIP

The Children’s Health Insurance Program (CHIP) is a low-cost health coverage program for children under age 19 whose family income is too high to qualify for Medicaid. There may be a small monthly premium (\$10 or \$15, depending on income) for each child enrolled in CHIP.

If a determination be made that a minor cannot apply on their own, the Idaho Medicaid application allows an authorized representative to complete an application.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid was expanded in the state in January 2020.

Here is a helpful FAQ about Medicaid expansion and continuous enrollment in Idaho.

Are there any programs for undocumented youth?

No; must be a U.S. citizen or legal resident.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The Idaho Medicaid Plan provides comprehensive behavioral health coverage. See pg. 9 of 2023 Idaho Medicaid Plan [HERE](#).

The Idaho Behavioral Health Plan (IBHP) offers a variety of outpatient behavioral health services to Medicaid members in Idaho through Optum Health, a managed care contractor. IBHP does not cover inpatient treatment.

Idaho also has a program, Youth Empowerment Services (YES), that provides services and supports for children under the age of 18 with serious emotional disturbance (SED). SED is a term used when youth under the age of 18 have both a mental health diagnosis and a functional impairment as identified by the Child Adolescent Needs and Strengths tool.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Idaho passed a law prohibiting gender affirming care for minors, which took effect on January 1, 2024.

Gov. Little signed Senate Bill 100, which bars transgender students in public schools from using multi-occupancy restrooms, changing rooms and other sex-segregated facilities consistent with their gender identity.

Gov. Little also signed House Bill 163, which is a “parents’ rights” measure that requires public schools to notify parents or guardians of any changes in students’ mental health. LGBTQ advocates argue that this measure could result in schools “outing” children to their parents without their consent.

There is no specific Idaho law prohibiting gender affirming mental health treatment.



Illinois

Age or Other Limitations

Is there an age range for consent?

Youth ages 12 and older may consent to outpatient counseling and psychotherapy. However, without consent of a parent/guardian/person in loco parentis, minors 12 - 16 years of age may only receive up to eight 90-minute sessions (there is no exception noted for emancipated minors).

However, a minor may consent to treatment if obtaining parental consent would be detrimental to minor's well-being, defined as a: (1) determination by the service provider that consent would cause the minor to reject the treatment, (2) failure to provide the treatment would be detrimental to the minor's well-being, (3) the minor has knowingly and voluntarily sought the treatment, AND (4) the minor is mature enough to participate productively in the treatment. *05 Ill. Comp. Stat. § 5/3-550.*

For inpatient mental health treatment, minors aged 16 and older may be admitted upon filing an application for admission if the minor is clinically suitable to a voluntary admission and has the capacity to consent to a voluntary admission. The minor's parent/guardian/person in loco parentis must be immediately notified by the facility of the admission (there is no exception for emancipated minors). *405 Ill. Comp. Stat. §§ 5/3-502 and 5/3-400.*

Youth ages 12 and older may consent to medical care and counseling related to sexually transmitted diseases and substance abuse. *410 Ill. Comp. Stat. § 210/4.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Limits related to inpatient and outpatient treatment are provided in previous section. No limits related to medication.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

YouthCare

- age birth through 21.
- This is for youth in Departments of Children and Family Services (DCFS) care, kinship care, or former youth of DCSF care.

Unaccompanied Minors:

- Unaccompanied minors may apply for and receive medical and SNAP benefits as the payee or head of household without parental permission. However, they often experience difficulty obtaining public benefits.

For SNAP, a homeless youth should not be required to apply for benefits as a part of the adult's household with whom they are temporarily living if they have not been there for longer than 90 days.

State law (*Public Act 098-0671*) allows unaccompanied minors legal access to medical care without parental consent when the minor has documentation from one of the following six sources:

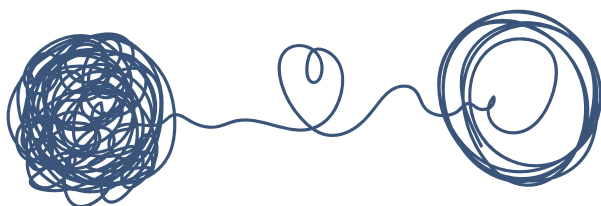
- an adult relative,
- a representative of a homeless service agency,
- an attorney licensed in Illinois,
- a public school homeless liaison or social worker,
- a social service agency providing services to at risk, homeless or runaway youth, or
- a representative of a religious organization.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Youth aged out of foster care will have 12 months of automatic coverage.

Public Act 98-0104 authorizes Illinois to provide Medicaid coverage to low-income Illinois residents over the age of 19 through the “ACA Adult” category.

<https://hfs.illinois.gov/medicalclients/affordablecareact.html>



Are there any programs for undocumented youth?

A person under age 19 who is lawfully admitted for permanent residence is eligible for all All Kids programs, regardless of how long they have lived in the United States.

Noncitizen children under age 19 who are lawfully present in the U.S. and residents of Illinois may qualify for any of the All Kids programs.

To be lawfully present in the U.S., the child's status must be valid. A child with expired documents is not in valid status. A child whose status is 'pending removal proceedings' is not in valid status. A child who is not in valid status may still qualify as undocumented.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

YouthCare offers Substance Abuse and Subacute Alcoholism care.

Managed Long Term Support and Services Covered Services include:

- Mental health services like: Group and Individual Therapy
- Alcohol and substance use services like: Group and Individual therapy, Counseling, Rehabilitation, Methadone services, Medication Monitoring and more
- Home and Community Based Waiver members:
- Persons with Brain Injury – Behavioral Science services

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Illinois has passed the Gender-Affirming Health Care Protection Act. It protects health care providers and their patients from legal attacks by neighboring states and expands health care access and options across the state.

In 2003, Illinois DCFS became the first child welfare agency in the nation to develop an LGBTQI+ youth service policy; and in 2017 enhanced procedures were adopted to mandate annual LGBTQI+ training for anyone involved with LGBTQI+ children and youth in care and to clarify protections for transgender/gender expansive youth in care.

Gender-Affirming Health Care Protection Act. It protects health care providers and their patients from legal attacks by neighboring states and expands health care access and options across the state.

Planned Parenthood of Illinois provides Gender-Affirming Hormone Therapy to individuals 16+. If under 18, they require meeting with Behavioral Health professionals. Clinicians will discuss Gender Affirming Hormone Therapy and assess if further support is needed. All legal guardians must attend this visit and the first clinical appointment to sign a medical consent.



Indiana

Age or Other Limitations

Is there an age range for consent?

Age of consent is 18 unless the child is emancipated through a juvenile court decree. *Ind. Code § 31-34-20-6.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

A minor who is or has been married; is in the U.S. military; or is at least 14, and not dependent on support from a parent and managing one's own affairs may consent to their own healthcare. *Ind. Code § 16-36-1-3.* Minors 16 and older can consent to health care if pregnant and up to 60 days post partum. *Ind. Code § 16-36-1-3.5*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Under certain circumstances, a court may designate a child as “a child in need of services” when “a child’s physical or mental health is seriously endangered” and could order mental health treatment. *Ind. Code § 31-34-1-1.*

A minor who voluntarily seeks treatment for alcoholism, alcohol abuse, or drug abuse may receive treatment without notification or consent of a parents or guardian. *Ind. Code § 12-23-12-1.* However, notification and consent is at the discretion of the Division or the facility. Otherwise, consent must be provided by a judicially appointed guardian or parent;

under certain circumstances consent may be provided by an adult sibling or grandparent.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

A pregnant youth can apply for coverage on their own through Hoosier Healthwise, a health care program for children up to age 19 and pregnant individuals. The program covers medical care such as doctor visits, prescription medicine, mental health care, and hospitalizations. [Indiana Medicaid: Members: Hoosier Healthwise](#)

But overall, the application process is designed for families with dependents and not a youth seeking coverage on their own. [Indiana Medicaid Members: Eligibility Guide](#)

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Indiana has adopted and implemented Medicaid expansion under the Affordable Care Act (2010-2015). See Medicaid eligibility thresholds for adults/families. [Indiana Medicaid: Members: Eligibility Guide](#)

Are there any programs for undocumented youth?

No.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The Family and Social Services Administration (FSSA) Indiana Medicaid website provides information on Medicaid benefits:

[Medicaid-Mental-Health-Services.pdf](https://www.in.gov/fssa/dmha/youths-services/Medicaid-Mental-Health-Services.pdf)
([in.gov](https://www.in.gov)).

The IN Department of Mental Health Youth Services offers programs described here:

<https://www.in.gov/fssa/dmha/youths-services/>

The [Indiana PATH program](#) provides flexible community-based services for persons with serious mental illnesses who are homeless or at imminent risk of becoming homeless. PATH program providers are located throughout the state and are typically Community Mental Health Centers. For more information, contact Melissa Carroll at melissa.carroll@fssa.in.gov.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes, effective July 1, 2023: Indiana prohibits gender transition procedures and treatments for minors in Indiana. These procedures are defined as medical and surgical services that seek to alter a child's physical characteristics in a way "inconsistent with a child's sex."



Iowa

Age or Other Limitations

Is there an age range for consent?

A minor is an individual under 18 unless that person (i) has been tried, convicted, and sentenced as an adult and committed to the custody of the department of corrections; (ii) is married; or (iii) has been adjudicated as emancipated by a court. *Iowa Code § 599.1.*

Emancipated minors are those that are absent from the parental home and are self supporting. *Iowa Code § 232C.v*

Individuals who are minors must generally obtain parental consent for medical care absent the exceptions listed above.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Only emancipated minors may generally consent to health care treatment, except as set forth below. *Iowa Code § 147.137(3).*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Any person may apply for voluntary admission to a public or private observation. *Iowa Code § 229.2(1).* Minors who have been subject to sexual conduct or a forcible felony may also be provided immediate and short term medical or mental health services

without prior written consent of parents or guardians. *Iowa Code § 915.35.* There are no other exceptions for consenting to mental health services.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It does not appear that Iowa explicitly prohibits youth from applying for medical coverage (that includes mental health treatment); however, the application requires that “one adult in the family” be the contact person for the application. See <https://hhs.iowa.gov/sites/default/files/470-5170.pdf>.

The application does permit the designation of an “authorized representative.” An “authorized representative” is a person given permission to talk about an individual’s application with the Iowa Department of Health and Human Services, see the information, and act for the individuals on matters related to the application, including getting information about the individual’s application and signing the application on the individual’s behalf.

Thus, the adult in the family filling out the application would be able to designate an authorized representative who could support with the application and even sign the application.

The application is available on the “How to Apply” page for the Medicaid

program and on the Hawki program page. [See here](#). It is also one of the first results when you good “Medicaid Application Iowa”.

For reference, Iowa Medicaid has three main coverage groups:

- [IA Health Link](#) (includes [Iowa Health and Wellness Plan](#))
- [Medicaid Fee-for-Service \(FFS\)](#)
- [Healthy and Well Kids in Iowa program \(Hawki\)](#)

A child under the age of 21 may qualify for Medicaid. In addition, the Children’s Health Insurance Program (CHIP) is offered through Hawki. Hawki is available for children ages 1-18. See <https://hhs.iowa.gov/hawki/how-to-apply>. Children who do not meet income guidelines under Medicaid are reviewed for the Hawki eligibility. A child qualifies for Hawki if the child is:

- A resident of the state of Iowa
- Under 19 years of age
- Have no other health insurance
- A citizen of the United States or a qualified alien
- Be in a family that meets the Hawki income limits (Check your family’s income in the Hawki Income Guidelines table to see if your children qualify for Hawki)
- Not a dependent of a State of Iowa employee
- Not currently covered under the Medicaid program

More information on IA Health Link, including the Iowa Health and Wellness Plan, and Medicaid FFS is noted below.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. As noted above, Iowa Medicaid has three main coverage groups:

- [IA Health Link](#) (includes [Iowa Health and Wellness Plan](#))
- [Medicaid FFS](#)
- [Hawki](#)

Below are some of the general requirements for Medicaid:

- A child under the age of 21
- A parent living with a child under the age of 18
- A woman who is pregnant
- A woman in need of treatment for breast or cervical cancer
- A person who is elderly (age 65 or older)
- A person who is disabled according to Social Security standards
- An adult between the ages of 19 and 64 and whose income is at or below 133 percent of the Federal Poverty Level (FPL)
- A person who is a resident of Iowa and a U.S. citizen
- Others may qualify

Most Iowa Medicaid members are enrolled in the IA Health Link managed care program. These members will get health coverage from a Managed Care Organization (MCO) they get to choose. Members who are not transitioning to the IA Health Link managed care program will remain in Medicaid FFS. [See here](#).

IA Health Link includes:

- Iowa Health and Wellness Plan
- Long Term Care
- Home- and Community-Based Services (HCBS) Waivers
- Medicaid for Employed People with Disabilities (MEPD)
- Medicare Assistance (Dual-Eligibility)
- Family Planning Program (FPP)

[See here.](#)

The Iowa Health and Wellness Plan is Iowa's version of the Medicaid Expansion through the Affordable Care Act (ACA). Adults ages 19-64 with income up to and including 133 percent of the Federal Poverty Level are covered. [See here.](#) The majority of Iowa Health and Wellness Plan members will be in the IA Health Link Program. A very limited number of members in this program will be in the Medicaid FFS coverage program. [See here.](#)

Information on Hawki (for children 1-18) is noted above.

Are there any programs for undocumented youth?

There does not appear to be any specific programs for undocumented youth.

However, undocumented youth may be eligible for emergency medical coverage. A person must meet Iowa residency requirements to qualify for limited Medicaid for emergency services. [See here.](#)

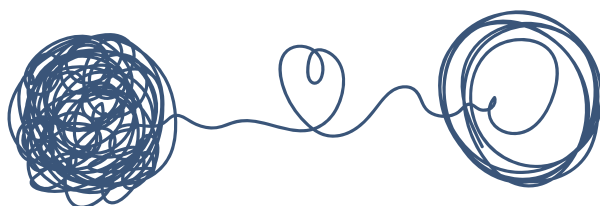
Coverage

What do the state insurance programs actually cover re: mental health treatment?

Benefits provided by the Hawki program include inpatient hospital services, including medical, surgical, intensive care, mental health, and substance use. Psychiatric Mental Institutes for Children (PMIC) is not a covered benefit. [See here.](#)

Benefits under the Iowa Health and Wellness Plan include mental health and substance use services. Iowa Health and Wellness Plan also covers inpatient/outpatient services provided by hospitals, psychiatrist, psychologist, social workers, family and marital therapists, and licensed mental health counselors. [See here.](#)

The Substance Abuse and Mental Health Services Administration (SAMHSA) has a webpage that is entitled, [Find Help for Mental Health, Drugs, or Alcohol if You're on Iowa's Medicaid Program or Children's Health Insurance Program \(CHIP\).](#) which includes information on how to access mental health services, including that an individual does not need a referral to see a behavioral health professional if covered by IA Health Link.



Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Iowa recently passed a bill prohibiting gender affirming puberty blockers, hormone therapy, or gender affirming surgeries for minors. See [Senate File 538](#). The bill was signed into law on March 22, 2023. There has been no legislation concerning mental health services specifically, but the law also bans any health care professional from “conduct that aids or abets” the provision of best practice medical care for transgender youth.



Kansas

Age or Other Limitations

Is there an age range for consent?

Youth age 16 or older may consent to hospital, medical or surgical treatment or procedures, where no parent or guardian is immediately available. *Kan. Stat. Ann. § 38-123b.*

Attorney General Opinion 2004-22 concludes that a minor 14 years of age but less than 18 years of age may consent to outpatient (as well as inpatient) treatment at a treatment facility as a voluntary patient, but the treatment facility must so notify the minor's parent, legal guardian or other person known to the head of the treatment facility to be interested in the care and welfare of the minor.

Any physician licensed to practice the healing arts in Kansas, upon consultation with any minor as a patient, may examine and treat such minor for drug abuse, misuse or addiction if such physician has secured the prior consent of such minor to the examination and treatment. All such examinations and treatment may be performed without the consent of any parent, guardian or other person having custody of such minor, and all minors are granted the right to give consent to such examination and treatment. *Kan. Stat. Ann. § 65-2892a.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No parent or guardian is immediately available.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Only as described in the previous section.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It does not appear so. The KanCare Medical Consumer Self-Service Portal is a way to check for eligibility and apply, but will likely require an adult to make an account.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Kansas has not expanded Medicaid coverage.

KanCare under the Medicaid plan covers people with limited income, which may include children up to age 19, including those who are in foster care or who get adoption support payments, and persons under age 26 who were in foster care at the time of their 18th birthday.

Are there any programs for undocumented youth?

No. To be considered eligible for any of the KanCare medical assistance programs, non-U.S. citizens must hold

either (1) legal residency in the U.S. for 5 years or more or (2) a certain immigration status.

Certain immigrant statuses do not require 5 years legal residence. These include:

- Refugees admitted under 207 of the Immigration and Nationality Act (INA) (Code: 2043.01)
- Asylees granted asylum under 208 of the INA (Code: 2043.02)
- Aliens who deportation has been withheld under Section 243 (h) of the INA (Code: 2043.03)
- Cuban or Haitian entrants as defined in section 501 of the Refugee Education Assistance Act of 1980; (code: 2043.04)

Coverage

What do the state insurance programs actually cover re: mental health treatment?

KanCare is the program through which the State of Kansas administers Medicaid and CHIP (Children's Health Insurance Program). KanCare offers basic medical services for all eligible members including behavioral health services.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

SB 180, which went into effect July 1, 2023, requires the state to reverse any previous gender changes in its records for trans people's birth certificates and driver's licenses while also preventing such changes going forward.



Kentucky

Age or Other Limitations

Is there an age range for consent?

Ky. Rev. Stat. Ann. § 214.185(2)-(3) states that any child aged 16 or older may obtain outpatient mental health counseling from any physician without consent. Any child aged 16 or older who is an unaccompanied youth may obtain outpatient mental health counseling from a qualified mental health professional without consent.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Ky. Rev. Stat. Ann. § 214.185(3) provides that treatment by a qualified mental health professional is conditional on the youth's status as an unaccompanied youth as defined by 42 USC 11434a(6) ("unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian.").

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes, pursuant to Ky. Rev. Stat. Ann. § 214.185(2)-(3), a child aged 16 years or older can only consent to outpatient services without the consent of a parent or a guardian.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Instructions for enrolling in Kentucky Medicaid are easy to find at [this website](#). But it does not appear that a minor can apply on their own.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid was expanded to allow someone over the age of 19 access to coverage.

Are there any programs for undocumented youth?

No, there are no programs for undocumented youth.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Kentucky Children's Health Insurance Program (KCHIP) provides coverage for psychiatrists and mental health services.

KRS 210.370 established 14 regional Boards for Mental Health or Individuals with an Intellectual Disability, and each of these boards is a private, nonprofit organization established by KRS Chapter 210 to serve residents of a designated multi-county region.

These private, nonprofit organizations essentially run as “Community Mental Health Centers”, which are provided for Kentuckians who have problems with mental health, developmental and intellectual disabilities, or substance abuse (adults and children included).

The Kentucky Cabinet for Health and Family Services has a Department for Behavioral Health, Developmental and Intellectual Disabilities that provides for the administration of state and federally funded mental health and substance abuse treatment services throughout Kentucky for adults and children. The Children’s Behavioral Health and Recovery Services Branch (CBHRS) is responsible for the oversight of services and support for children and youth who have or are at-risk of developing behavioral health concerns (including both mental health and substance use). CBHRS staff work with the aforementioned Community Mental Health Centers and other agencies by providing oversight of and technical assistance, including, but not limited to, (i) adolescent substance use prevention and treatment, (ii) crisis intervention, (iii) early childhood mental health, (iv) high-fidelity wraparound, (v) peer support, (vi) school-based behavioral health, and (vii) trauma-informed care.

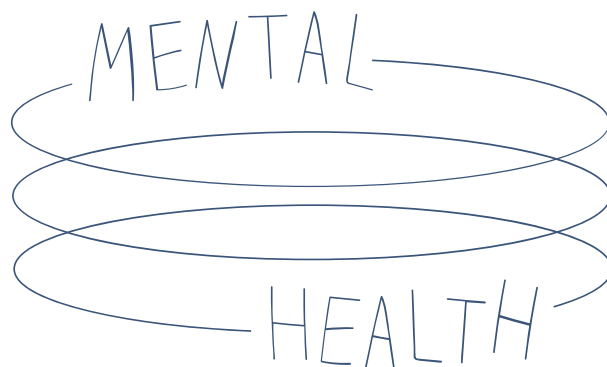
Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

In March 2023, the Kentucky House of Representatives passed HB470,

originally deeming it unethical and unprofessional conduct for a health care provider or mental health care provider to provide gender transition services to a person under the age of 18 years. When HB470 proceeded to the Kentucky Senate for vote, the Kentucky Senate lifted language from HB470, incorporating the language into SB150. SB150 passed the Kentucky Senate with a 30 to 7 vote. SB150 removed HB470’s explicit prohibition against the provision of gender transition services to a minor by a mental health care provider. SB150 prohibits the prescription of puberty blocking drugs, hormones, or the alteration of a minor’s non-diseased body part or tissue (generally, but gender affirming purposes outlined therein also). Governor Andy Beshear vetoed the bill, but his veto was overridden by the general assembly.

In June 2023, SB150 was challenged by the ALCU and the National Center for Lesbian Rights in the U.S. District Court for the Western District of Kentucky. The federal judge granted the ACLU’s motion for an injunction blocking the gender affirming health care ban in SB150.¹⁴ On July 31st, the Sixth Circuit ruled in favor of SB150, allowing it to remain in effect while the lawsuit against it proceeds.



Louisiana

Age or Other Limitations

Is there an age range for consent?

For voluntary admission to a treatment facility for mental health care, any minor 16 years of age or older may apply. *LA Chil Code 1464.*

Specifically for involuntary admission due to mental health crisis or emergency, objections may be made by the minor who has been admitted if the minor is 16 years old. *La. Chil Code 1462.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Age is the only limitation but doesn't apply to a minor who believes they are addicted to narcotics or other drugs. *La. Rev. Stat. 40:1079.2.*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

For alcohol and drug abuse, a school or facility may provide preventative counseling or treatment without parental consent if the child requests; the child withholds permission to contact the parent; the qualified professional determines requesting parental consent would not be helpful or would be harmful; the child provides written statement of consent with for reason seeking medical treatment or counseling. *La. Rev. Stat. 40:1079.13.*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes, according to Medicaid Eligibility Manual G-600, a minor may apply for assistance without the consent of a parent or legal guardian.

Link: <http://sspweb.lameds.ldh.la.gov/>

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid was expanded in 2016.

Are there any programs for undocumented youth?

As of 2019, children up to age 19 who are "lawfully residing" in the U.S. and are otherwise eligible for coverage:

- A non-citizen in non-immigrant status who has not violated the terms of the status under which he or she was admitted or to which he or she has changed after admission;
- A non-citizen who has been paroled into the United States as pursuant to section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(d)(5)) for less than one (1) year, except for a non-citizen paroled for prosecution, for deferred inspection or pending removal proceedings

- A non-citizen who belongs to one of the following classes:
 - Non-citizens currently in temporary resident status pursuant to section 210 or 245A of the INA (8 U.S.C. §§1160 or 1255a, respectively);
 - Non-citizens currently under Temporary Protected Status (TPS) pursuant to section 244 of the INA (8 U.S.C. §1254a), and pending applicants for TPS who have been granted employment authorization;
 - Non-citizens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24); (iv) Family Unity beneficiaries pursuant to section 301 of Pub. L. 101-649, as amended.
 - Non-citizens currently under Deferred Enforced Departure (DED) pursuant to a decision made by the President;
 - Non-citizens currently in deferred action status; or
 - Non-citizens whose visa petition has been approved and who have a pending application for adjustment of status.
- A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days;

- A non-citizen who has been granted withholding of removal under the Convention Against Torture;
- A child who has a pending application for Special Immigrant Juvenile status as described in section 101(a)(27)(J) of the INA
- A non-citizen who is lawfully present in the Commonwealth of the Northern Mariana Islands under 48 U.S.C. § 1806(e); or
- A non-citizen who is lawfully present in American Samoa under the immigration laws of American Samoa. Children who meet the definition set forth above of “lawfully present” also must be Louisiana residents.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Difficult to determine exact coverage, though publications state behavioral treatment and mental health treatment is covered.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

As of July 18, 2023, Louisiana’s Legislature overturned the Governor’s veto of ban on gender-affirming care for transgender minors.

The law went into effect on January 1, 2024 (House Bill 648/Act No. 466): it bans gender affirming surgeries, puberty blocking medications and hormone treatments and punishes healthcare workers with revocation of license for at least 2 years.



Maine

Age or Other Limitations

Is there an age range for consent?

There does not appear to be a general limitation on the age range for consent. A minor is merely defined as someone under 18 years of age. *Me. Rev. Stat. tit. 22, §1501(3)*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

A minor may give consent to all medical, mental, dental and other health counseling and services if the minor is:

“1.) Living separately from parents or a legal guardian and is independent of parental support. A minor may prove that the minor meets the requirements of this subsection with documentation including, but not limited to:

(a) written statement affirming that the minor is living separately from parents or a legal guardian and is independent of parental support signed by:

- A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- A local education agency liaison for homeless children and youth designated pursuant to 42 United States Code, Section 11432(g)(1)(J) (ii) or a school social worker or counselor; or
- An attorney representing the minor in any legal matter;

(b) A copy of a protection from abuse complaint or a temporary order or final order of protection against the minor's parent or legal guardian; or

(c) Proof of filing a petition for emancipation;

2.) Married. Is or was legally married;

3.) Armed Forces. Is or was a member of the Armed Forces of the United States; or 4.) Emancipated.”

Me. Rev. Stat. tit. 22, §1503

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

While there are generally not specific limitations to consent, there are enumerated forms of treatment that a minor may consent to. A minor may consent to treatment for:

- STIs, substance use, or sexual assault (*Me. Rev. Stat. tit. 32 §§ 3292, 2595, 6221, and 7004; Me. Rev. Stat. tit. 22 § 1507*).
- Substance use disorder or for emotional or psychological problems. *Me. Rev. Stat. tit. 22, § 1502*.
- Psychological services for substance use (*Me. Rev. Stat. tit. 32 § 3817*).
- Family planning, including contraception (*Me. Rev. Stat. tit. 22 § 1908*). But minors need parental notice or consent for abortion (*Me. Rev. Stat. tit. 22 § 1597-A*).

16- and 17-year-olds can consent to gender affirming care if they meet detailed requirements of counseling and informed consent to receive evidence-based, medically recommended non-surgical care if they are deemed competent to give such consent and their parents refuse to provide the required care. (See [H.P. 340 - L.D. 535 An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors](#)).

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

/Yes, [click here for more information](#).

Can also appoint an authorized representative that does not seem dependent on family relationship or legal status.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

MaineCare: MaineCare provides free or low-cost health insurance, other health benefits, and assistance to kids under age 21 who meet income guidelines or disability criteria.

Are there any programs for undocumented youth?

For applicants who are not U.S. citizens, see the following guidance:

“Information about current immigration status is needed to determine eligibility. We will attempt to verify declared

immigration status through an electronic data match. It may help us process this application faster if you include a copy of immigration documents for all individuals who are applying.

See the list below for common document types. If your status isn’t listed here, you can write in another status or choose to leave the question blank. If needed, we will send you a letter to get more information.

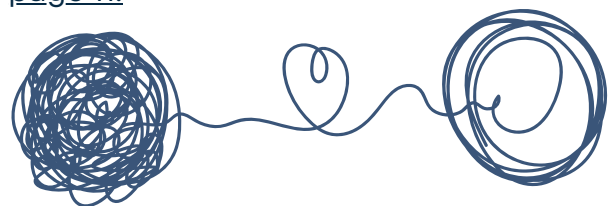
If information regarding immigration status is not provided the individual may only be eligible for coverage of emergency services. Exception: Children under 21 years of age and pregnant people who would be otherwise eligible for federal Medicaid benefits but are not eligible due to their immigration status may still qualify for MaineCare.

If you do not have a verifiable status in the SAVE system, you are not eligible for full benefits in any program. If you have no verifiable immigration status, you may be eligible for “Emergency Services Only” through MaineCare if you:

- Meet financial eligibility requirements, and
- Meets all other qualification for the MaineCare program (e.g., age, disability, residency, etc.).”

See [page 59 of this document](#).

See [PART 2 BASIC ELIGIBILITY CRITERIA page 11](#).



Coverage

What do the state insurance programs actually cover re: mental health treatment?

- Support for Families: Children's Behavioral Health Services
- MaineCare Member Handbook
- Section 65 and what is covered:
 - 65.05-1 Crisis Resolution
 - 65.05-2 Crisis Residential
 - 65.05-3 Outpatient Services
 - 65.05-4 Family Psychoeducational Treatment
 - 65.05-5 Intensive Outpatient Program Services (IOP)
 - 65.05-6 Medication Management Services
 - 65.05-7 Neurobehavioral Status Exam, Psychological Testing, and Adaptive Assessments
 - 65.05-8 Children's Assertive Community Treatment
 - 65.05-9 Children's Home and Community Based Treatment
 - 65.05-10 Collateral Contacts
 - 65.05-11 Opioid Treatment Program Services (OTP) with Methadone
 - 65.05-12 Interpreter Services
 - 65.05-13 Children's Behavioral Health Day Treatment
 - 65.05-14 Tobacco Cessation Treatment Services
 - 65.05-15 Mental Health Psychosocial Clubhouse Services
 - 65.05-16 Specialized Group Services
 - 65.05-17 Behavioral Therapies for Children with Disruptive Behavior Disorders

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

In 2018, Governor Mills removed exclusions to transgender care from MaineCare. Coverage was formally included in 2023 with An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members that states: The department shall provide reimbursement for medically necessary treatment for or related to gender dysphoria as defined by the Diagnostic and Statistical Manual of Mental Disorders, 5th edition, published by the American Psychiatric Association or a comparable or equivalent diagnosis.

A new law will allow transgender minors who have reached a minimum age of 16, have a diagnosis of gender dysphoria, and are being harmed or will be from being denied medically necessary health care, to have a medical pathway to receive such care. LD 535 authorizes 16- and 17-year-olds in those circumstances and who meet detailed requirements of counseling and informed consent to receive evidence-based, medically recommended non-surgical care if they are deemed competent to give such consent and their parents refuse to provide the required care.



Maryland

Age or Other Limitations

Is there an age range for consent?

Maryland has a statute expressly governing mental and emotional health care for minors, which provides that the age of consent for mental health treatment is 12 years old. Youths who are 12 years old or older have the same capacity to consent to consultation, diagnosis, and treatment of a mental or emotional disorder without parental permission so long as a health care provider determines that such minor patient is mature and capable enough to give informed consent. *Md. Health-General Code Ann. § 20-104(b)(1)*.

Maryland law also provides that minors who meet certain conditions can consent to medical or dental treatment in the same capacity as an adult. *Md. Health-General Code Ann. § 20-102(a)*.

Maryland further provides that minors have the same capacity as adults to consent to specific medical treatments, including treatment for or advice about drug or alcohol abuse, sexually transmitted diseases, pregnancy and contraception. *Md. Health-General Code Ann. § 20-102(c)*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Section 20-104(b) does not condition a minor's right to consent to mental health treatment on such minor's status.

Conversely, Section 20-102(a) does condition a minor's ability to consent to medical or dental treatment on the youth's status—only minors who meet any one of the following criteria may consent to medical or dental treatment: (1) is married, (2) is the parent of a child, or (3) is living separate and apart from their parent(s) or guardian(s) or is self-supporting (regardless of the source of the minor's income). Whether a minor's parent(s) or guardian(s) consent to a minor's living situation is irrelevant when determining whether such minor qualifies as a person who can consent to medical or dental treatment.

Section 20-102(c) conditions a minor's ability to consent to treatment for drug or alcohol abuse on the attending physician or a psychologist determining that the minor's life or health would be adversely affected by delaying treatment for the purpose of obtaining another individual's consent to treatment. *Md. Health-General Code Ann. § 20-102(d)*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Mental health care providers (Maryland defines "health care provider" broadly to include any individual who: (1) is licensed under the Maryland Health Occupations Article, and

(2) is acting within the scope of the individual's license to diagnose and treat mental and emotional disorders. *Md. Health-General Code Ann. § 20-104(a)*).

Mental health care providers may only treat minors they deem capable of consenting to treatment, and mental health care providers may decline to provide services to otherwise eligible minors. On February 2, 2021, the Maryland senator sponsoring the bill which would eventually be enacted as Section 20-104 of Maryland's code, titled "Mental or emotional disorder" (*Md. Health-General Code Ann. § 20-104*.) It specified that a minor's capacity to consent to mental healthcare treatment would be solely determined by the trained mental health providers authorized to provide treatment under the Statute. (Sen. Malcolm L. Augustine, Md. Senate, SB0041 Bill Hearing (Feb. 2, 2021)). There is no codified test on which mental health care providers must rely when determining whether a minor has the capacity to consent to such services.

In the event the mental health care provider determines that the minor patient has the capacity to consent to treatment, the Statute provides two express limitations on such consent:

A minor patient cannot refuse mental health treatment if the minor's parent, guardian or custodian authorized the treatment.

Minors under 16 years of age cannot consent to the use of prescription medications to treat a mental or emotional disorder. *Md. Health-General Code Ann. § 20-104(b)(2)*.

The Statute provides that a mental health care provider may give the parent, the guardian, the custodian, or the spouse of a minor patient's parent information about the minor's mental health treatment so long as the mental health care provider believes that such disclosure will not harm the minor or deter the minor from seeking care. *Md. Health-General Code Ann. § 20-104(c)*. A mental health care provider may make these disclosures regardless of whether the minor patient has consented to the disclosure, including in cases where the minor patient has expressly objected to such disclosure.

The three biggest limitations under the Statute are that: (1) it does not allow mental health care providers to provide medication-based treatment, (2) parents and guardians are not liable for treatment fees, and (3) insurance claims can only be filed for treatment lawfully provided to a minor under the Statute if a parent/guardian/custodian has consented to the submission of such insurance claim(s).

The Statute expressly states that a minor patient's parents, guardians or custodians are not liable for the costs of the minor's mental healthcare treatment if they did not consent to such treatment. *Md. Health-General Code Ann. § 20-104(d)*. This limitation increases the risk that:

(1) mental health care providers will decline to provide treatment to eligible minors who do not have a parent's consent, and

(2) minors will avoid seeking out mental health treatment in order to eliminate the chance that they will be liable for the costs of the mental healthcare treatment.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

The Maryland Children's Health Program (MCHP) requires that the primary applicant be at least 18 years old. Children under the age of 19 may participate in and receive benefits from MCHP. Therefore, a youth between the age of 18 and 19 may enroll themselves in MCHP.

Someone who is under the age of 18 can be enrolled by their parent or guardian. The MCHP website does imply that any adult can be the primary applicant by answering "yes" to the question of "[c]an I apply for my grandchild (or niece, brother, etc.)?"

Applications can be submitted:

- Online at www.marylandhealthconnection.gov
- By visiting a local connector entity, health department, or department of social services.
- Through the free mobile app, Enroll MHC.
- By calling 1-855-642-8572.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Maryland Medicaid permits anyone between the ages of 19 and 65 to enroll so long as they meet all of the coverage requirements listed below:

Yes. Maryland Medicaid permits anyone between the ages of 19 and 65 to enroll so long as they meet all of the coverage requirements listed below:

1. Be a resident of Maryland;
2. Be a U.S. Citizen or non-citizen who meets immigration status requirements;
3. Provide a Social Security Number (if you have one and are applying for coverage for yourself);
4. Meet financial requirements
5. Meet income limits. Note that Medicaid income limits vary for different groups of individuals and household sizes;
6. Meet Asset limits; and
7. Meet medical eligibility.

The above requirements apply to the majority of Medicaid enrollment applicants, unless an exception applies or there is an applicable special program.

Children under the age of 19 may participate in and receive benefits from MCHP. Therefore, a youth between the age of 18 and 19 may enroll themselves in MCHP.

Are there any programs for undocumented youth?

Generally, to be eligible for full Maryland Medicaid or MCHP, a non-citizen must be "lawfully-present" in the United States. However, this requirement does not apply to (1) children under the age of 21 and (2) pregnant and postpartum individuals.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

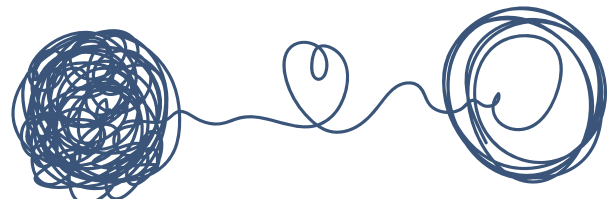
Based on the Annual Report on the Maryland Medical Assistance Program and Maryland Children's Health Program, a variety of mental health treatments are covered. Examples include:

- Psychiatric diagnostic evaluations
- Psychiatry services (30 min. and 50 min. increments)
- Family psychotherapy
- Group psychotherapy

MPCH generally covers mental health treatment and substance use disorder treatment. MCPH enrollees obtain care through the Maryland HealthChoice Program through Managed Care Organizations (MCOs)

All MCOs cover specialty mental health services provided by counselors, psychologists, and psychiatrists as well as substance-use-disorder treatment and recovery services. We were unable to find information about the specific services that are provided under each category, however, we were able to locate a list of adolescent substance use disorder providers that includes residential treatment programs.

Note also that Maryland Medicaid will cover residential substance use disorder treatments for adults ages 21 to 64.



Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

There are no Maryland state laws in effect that are expressly aimed at preventing LGBTQ youth from accessing nondiscriminatory and gender affirming mental health treatment. We did not observe any legal barriers for LGBTQ youth other than those generally applicable to all Maryland youths.

In October of 2021, the Statute discussed above was amended to lower the age of consent for mental and emotional health treatment from 16 years old to 12 years old. Proponents of the change asserted that lowering the age of consent would allow greater access to mental health treatment for high-risk youth, particularly those in the LGBTQ community.

In 2018, Maryland adopted two pieces of legislation aimed to protect LGBTQ youth in the state: (1) the Youth Mental Health Protection Act (SB 1028) protects LGBTQ youth in the state from the dangerous and debunked practice of so-called “conversion therapy,” and (2) the Ending Youth Homelessness Grant Program (SB 1218) created a grant fund within the Department of Housing and Community Development to expand housing and support services to unaccompanied youth experiencing homelessness (a disproportionate number of whom identify as members of the LGBTQ community).

Additionally, on April 10, 2023, Maryland Governor Wes Moore signed the Trans Health Equity Act (SB 460) into law, which requires the state's Medicaid program to provide coverage of gender affirming care to program enrollees "in a nondiscriminatory manner" beginning January 1, 2024 and which, importantly, lifts a prohibition on gender-affirming care for Medicaid recipients under 18 years of age. The Act leaves it up to patients and their doctors to determine whether and what gender-affirming care is medically necessary for a given patient. Among the treatments covered are hormone therapies, puberty blockers, and surgeries, as well as voice training, fertility preservation, and permanent hair removal.



Massachusetts

Age or Other Limitations

Is there an age range for consent?

Minors ages 16 or 17 may consent to inpatient or outpatient treatment at a mental health treatment facility. Mass. Gen. Laws ch. 123, § 10. See also Mass. Gen. Laws ch. 123 § 1 (defining “facility” as “a public or private facility for the care and treatment of mentally ill persons, except for the Bridgewater State Hospital.”)

In addition, minors ages 12 and above may consent to hospital and medical care for drug addiction. *Mass. Gen. Laws ch. 112, § 12E.*

Massachusetts courts have also adopted the “mature minor” rule. If a doctor believes that: (1) a child is mature enough and able to give informed consent to medical care; and (2) it is in the best interests of the child not to notify the child’s parents, the doctor may accept the child’s consent alone. *Baird v. Attorney General*, 371 Mass. 741, (1977) (“The mature minor rule calls for an analysis of the nature of the operation, its likely benefit, and the capacity of the particular minor to understand fully what the medical procedure involves.”)

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No. However, minors younger than 16 have specific additional situations dependent on their status where they can consent to medical care if the

minor:

- (1) is married, widowed, or divorced;
- (2) is the parent of a child;
- (3) is a member of any of the armed forces;
- (4) is pregnant or believes herself to be pregnant;
- (5) is living separate and apart from his parent or legal guardian and managing his own financial affairs; or
- (6) reasonably believes himself to be at risk of exposure due to sexual activity or to be suffering from or to have come in contact with any disease defined to be danger to the public health, however for this case, the minor can only consent to care relating to the diagnosis or treatment of such disease. *Mass. Gen. Laws ch. 112, § 12F.*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

A minor’s consent to mental health treatment is subject to several procedural limitations. For inpatient treatment, once consent is given, the head of the treating facility may treat the minor provided that:

- (1) the minor needs care and treatment; and
- (2) the admitting facility is suitable for such care and treatment.

Also, before accepting the minor for a voluntary admission, the head of the admitting facility must give the minor an opportunity to consult with an

attorney about the legal effect of a voluntary admission. Finally, the head of the admitting facility may discharge the minor at any time when determined to be in the minor's best interest. *Mass. Gen. Laws ch. 123, § 10.*

For outpatient treatment, the head of the treating facility may discontinue treatment of a minor at any time when in the minor's best interest. *Mass. Gen. Laws ch. 123, § 10.*

For a minor consenting to treatment related to drug addiction, the minor must also be found to be drug dependent by two or more physicians to receive hospital and medical care related to the diagnosis or treatment of the drug dependency. In addition, consent cannot be given for methadone maintenance therapy. *Mass. Gen. Laws ch. 112, § 12E.*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Children under age 19 may apply for coverage as the primary subscriber for a child-only plan, but they will need to provide the Health Connector and MassHealth information about a parent or legal guardian to sign the coverage Terms & Conditions.

The Massachusetts, CHIP program is called MassHealth. To be eligible, you must be a Massachusetts resident, 18 years or younger, a U.S. Citizen, National or a Non-Citizen legally admitted into the U.S., and ineligible for Medicaid. MassHealth offers various coverage type based on income level. <https://www.mahealthconnector.org/>.

Two types of plans that youth may be eligible for are MassHealth Standard and CommonHealth. MassHealth Standard covers mental health services for youth, and MassHealth CommonHealth offers mental health services to disabled children who cannot access MassHealth Standard.

The Children's Medical Security Program (CMSP) covers Massachusetts youth under the age of 19 who do not qualify for the other types of MassHealth coverage (aside from MassHealth Limited). This plan does not have an income requirement.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

MassHealth provides behavioral health services for youth under 21 who are enrolled in MassHealth Standard or MassHealth CommonHealth. This pamphlet provides a helpful overview of the benefits available and the eligibility requirements: <https://www.mass.gov/doc/masshealth-commonhealth/download>.

Youth under 21 who are eligible for MassHealth Standard also have access to Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services, which covers all medically necessary services under Medicaid law.

MassHealth CommonHealth coverage extends to disabled youth between the ages of 19 and 20, and certain disabled individuals over the age of 20 can obtain coverage if they meet the requirements in the above-referenced pamphlet.

Anyone can also access Massachusetts's Behavioral Health Help Line 24/7 for free access to mental health assessments and crisis services. No health insurance is required.

Are there any programs for undocumented youth?

Although the programs for undocumented youth are more limited, youth under 21 who are Lawfully Present Immigrants or Nonqualified PRUCOLs may be eligible for MassHealth coverage including behavioral health services.

Noncitizen youth under 19 may have access to CMSP.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The MassHealth plans generally cover mental health screenings and treatment services. These services include counseling, psychiatric evaluations, and inpatient and outpatient treatment. EPSDT services include all necessary services under Medicaid law. CMSP covers mental health outpatient services.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Though not specific to youth access to gender affirming care, Massachusetts has adopted several laws that provide

health care protections generally to LGBTQ+ people. For example, a 2022 Massachusetts law recognizes gender affirming health care as a legally and constitutionally protected right. In addition, in 2019, Massachusetts passed a law banning conversion therapy, a practice that aims to change a person's sexual orientation or gender identity. The law bans health care providers (defined in *Mass. Gen. Laws ch. 112, § 275*) from advertising or engaging in sexual orientation and gender identity change efforts with a patient under the age of 18.

In addition, Massachusetts law bans discrimination in health care based on sexual orientation, gender identity, or expression, and health insurance plans cannot categorically exclude treatment for gender dysphoria. MassHealth, the state Medicaid program, explicitly covers several medically necessary gender affirming treatments for members with gender dysphoria, including:

- Gender-affirming surgery
- Hair removal
- Puberty blockers and gender-affirming hormone therapy
- Behavioral health services
- Speech therapy

While there does not appear to be any law in Massachusetts that explicitly addresses *youth* access to gender affirming mental health treatment, youth in Massachusetts should be able to consent to such treatment under the same conditions described above under the state's minor consent laws.

In January 2023, the Massachusetts Attorney General released a [Resource Guide](#) for LGBTQ+ youth in an effort to facilitate access to [mental health resources](#) for that community. The Guide provides information for LGBTQ+ youth about the availability of mental health services that are affirming of sexual orientation, gender identity, and gender expression in every county in Massachusetts, including specialized services around domestic and sexual violence, housing assistance and shelter, and substance use disorder. The Guide also includes links to several provider directories, allowing youth to find individual medical providers using filters relevant to their specific needs and identities.



Michigan

Age or Other Limitations

Is there an age range for consent?

Inpatient: Request at 14 years or older, but still need parent consent. Details below. *Mich. Comp. Laws § 330.1498a-330.1498t.*

Outpatient: May consent if 14 years or older. *Mich. Comp. Laws § 330.1707.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

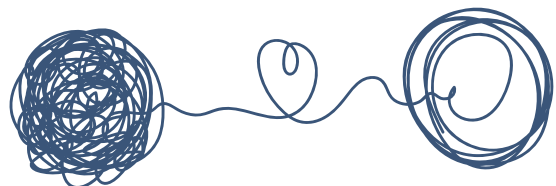
Inpatient: Parental consent required (*Mental Health Code, Chapter 4A, Mich. Comp. Laws § 330.1498a-330.1498t*). Otherwise:

- A minor of any age may be hospitalized for mental health reasons if a parent/legal guardian or agency requests.
- A minor of 14 years or older who has been hospitalized may object to hospitalization and obtain court review.
- A minor 14 years or older may request hospitalization, but hospital must contact parents to obtain consent.
- For admission, minor must be found suitable for hospitalization. Suitability shall not be based solely

on one or more of the following: epilepsy; developmental delay; brief periods of intoxication; juvenile offenses; or sexual, religious or political activity.

Outpatient: Parental consent not required if over 14 with certain guardrails (*Mental Health Code, Mich. Comp. Laws § 330.1707*):

- A minor age 14 or older may request and receive up to 12 outpatient sessions or four months of outpatient counseling. After the twelfth session or fourth month of services the mental health professional shall terminate the services or, with the consent of the minor, notify the parent, guardian, or person in loco parentis to obtain consent to provide further outpatient services.
- Excluding pregnancy termination referral services and the use of psychotropic drugs
- Parents shall not be informed. Exception: Information may be given to parent, guardian or person in loco parentis for a compelling reason based on a substantial probability of harm to the minor or to another individual; mental health professional must notify minor of his/her intent to inform parent.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No, an adult must be listed on the application for the Michigan Child Health Insurance Program (CHIP).

Benefits Overview

Apply online

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Michigan Medicaid Health Care Program. In order to qualify, the individual must have an annual household income (before taxes) that is below the amounts set forth on this website:

<https://www.benefits.gov/benefit/1221>.

Are there any programs for undocumented youth?

Freedom House offers referrals for medical and mental health care.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

MiChild is a health care program administered by the Department of Community Health. MiChild covers medically necessary services such as mental health services. As to cost, most MiChild families pay a premium of \$10 per month regardless of the number of children in the family with MiChild coverage. There are no co-pays in MiChild.

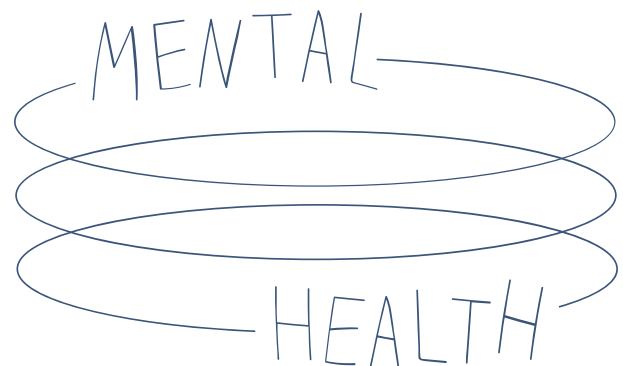
Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

In July 2023, Michigan became the 22nd state to outlaw conversion therapy, which state lawmakers defined as “any practice or treatment by a mental health profession that seeks to change an individual’s sexual orientation or gender identity. That does not include counseling that provides assistance to people undergoing a gender transition.”

More broadly, 60% of LGBTQ youth in Michigan who wanted mental health care in the past year (i.e., 2021) were not able to get it. LGBTQ youth who wanted mental health care but were unable to get it cited the following top five reasons:

- Afraid to talk about mental health concerns with someone else: 51%
- Afraid to not be taken seriously: 43%
- Did not want to have to get parent’s or caregiver’s permission: 40%
- Could not afford it: 40%
- Afraid it wouldn’t work: 37%



Minnesota

Age or Other Limitations

Is there an age range for consent?

In general, there is not an age limit on consent, although other conditions apply.

However, consent to inpatient care at treatment facilities or state-operated treatment programs is limited to minors aged 16 or 17, unless the minor meets one of the other conditions for consent (e.g., the minor is living apart from their parents and managing their own financial affairs). (See details in right hand column).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, consent is subject to certain conditions based on the status of the minor or the particular condition or services involved.

A minor may consent to medical, mental, dental and other health services if the minor is:

- (a) living separate and apart from parents or legal guardian, whether with or without the consent of a parent or guardian and regardless of the length of the separate residence and
- (b) managing their personal financial affairs, regardless of the source or extent of the minor's income. The consent applies to "medical, dental, mental and other health services". *Minn. Stat. § 144.341.*

A minor who has been married or has given birth may consent to "medical, mental, dental, and other health services" for themselves or their child. *Minn. Stat. § 144.342.*

A minor (or any person) 16 or older:

- May request to be admitted to a treatment facility or state-operated treatment program as a voluntary patient for observation, evaluation, diagnosis, care or treatment of mental illness, chemical dependency or developmental disability and may consent to hospitalization, routine diagnostic evaluation, and emergency or short-term acute care at the facility or program. *Minn. Stat. §§ 253B.03, subd. 6, para. (b)(4); 254B.04, subd.1.*
- Note, if a minor who is 16 or 17 refuses to consent to admission to a treatment facility or state-operated treatment program, the minor's parent or guardian may consent to the minor's admission as a patient for mental illness or chemical dependency treatment. *Minn. Stat. §253B.04, subd. 1, para. (b).*

A minor (regardless of age) may consent to the following services:

- Medical, mental and other health services to determine the presence of or to treat pregnancy and associated conditions, venereal disease, and alcohol and other drug abuse. *Minn. Stat. § 144.343*

- Provisions in *Minn. Stat. § 144.343* requiring advanced two parent notification of an abortion or, alternatively, a judicial process to bypass notification, were held to violate the Minnesota constitution and have been permanently enjoined. *Doe v. State*, 2022 Minn. Dist. LEXIS 9338, Court File No. 62-CV-19-3868 (D. Minn. July 11, 2022).

- Hepatitis B vaccination.

Emergency services may be provided to minors:

- Medical, dental, mental 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. *Minn. Stat. § 144.344*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

There are no service based limitations on the consent in the case of: (a) minors who have been living separate and apart from parents/guardian and who manage their own financial affairs and (b) minors who have been married or have given birth. In such cases, the minor may consent to "medical, mental, dental, and other health services". *Minn. Stat. §§ 144.341; 144.342*.

Where consent is tied to specific conditions or services as described

above under 1., (e.g., pregnancy, venereal disease, and alcohol and other drug abuse), then only the services for the specified conditions are covered.

If a minor represents to a health care professional that they are able to give consent for services but in fact is not able to do so, the minor's consent is considered effective if the person providing the service relied in good faith on the representations of the minor. *Minn. Stat. § 144.345*.

When a minor is authorized to consent, the health care 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, failure to inform the parent or guardian would seriously jeopardize the health of the minor. *Minn. Stat. § 144.346*.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes, youth may apply for medical coverage that includes mental health treatment on their own.

MNSure is Minnesota's one-stop health insurance marketplace where individuals can set up an account and see if they qualify for Medical Assistance (Medicaid) or MinnesotaCare (for those who need financial assistance for healthcare but don't qualify for Medicaid). Any Minnesota resident who is a U.S. citizen, U.S. resident, or lawfully present, and who is not incarcerated, can enroll.

There are no age restrictions for applicants. However, due to how the online application is set up (and paper applications are not advised to be used due to the long processing times), the homeless youth will likely need assistance in setting up the account and applying to avoid their application being kicked out for lack of address, parent/guardian, or age of majority.

The best route to get assistance with the application will vary by county. The majority of homeless youth in Minnesota are in Hennepin County. In Hennepin County, the best approach for a homeless youth that is 16 or 17 years of age to access health care and other needed services is to seek help at Youth Link in Minneapolis. Youth Link can help them with the application process and provide a social service referral so that they can apply on their own. If the homeless youth in Hennepin County is under 16, the best access point is for the youth to go to the Hennepin County Front Door for referral to a social worker who can help the youth complete the application. Other resources are available on the Youth Services Network website. In addition, though not a resource targeted for or familiar with homeless youth, Navigators are available to assist individuals for free with completing the application for subsidized or free healthcare.

They do not need to list next of kin or a caseworker on their application if they get assistance for a work-around to do so; see previous information. That said, they may choose to list an authorized representative, such as a case worker or relative, when applying for health care.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Minnesota accepted federal Medicaid expansion in February 2013 and increased the upper income threshold for Medicaid eligibility for adults to 138% of the federal poverty level. In addition to Minnesota Medicaid, the state offers MinnesotaCare for residents with incomes above 138% of poverty, up to 200% of poverty. MinnesotaCare has existed in some form since 1992 and transitioned to a Basic Health Program under the ACA in January 2014.

Are there any programs for undocumented youth?

As of today, you need to be in the U.S. legally (but do not have to be a U.S. citizen) to be eligible for medical coverage. Undocumented individuals may qualify for Emergency Medical Assistance (EMA) for an emergency medical condition. However, Minnesota passed a health care omnibus bill in 2023 expanding access to subsidized health insurance through MinnesotaCare to undocumented individuals (minors and adults). This change is expected to go into effect in January 2025.

In addition, the Minnesota Dream Act makes in-state tuition rates and state financial aid available to undocumented students.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Medical Assistance (MA) covers: acupuncture, child and teen checkups, early intensive developmental and behavioral intervention (EIDBI) services, emergency medical services and post-stabilization care, medical transportation, mental and behavioral health services, prescriptions and medication therapy management, substance use disorder services, and telemedicine services, among other services.

MinnesotaCare for children under 19 covers: acupuncture, child and teen checkups, early intensive developmental and behavioral intervention (EIDBI) services, emergency medical services and post-stabilization care, medical transportation, mental health services, prescription drugs, substance use disorder services, and telemedicine services, among other services.

Issues Specific to LGBTQ Youth

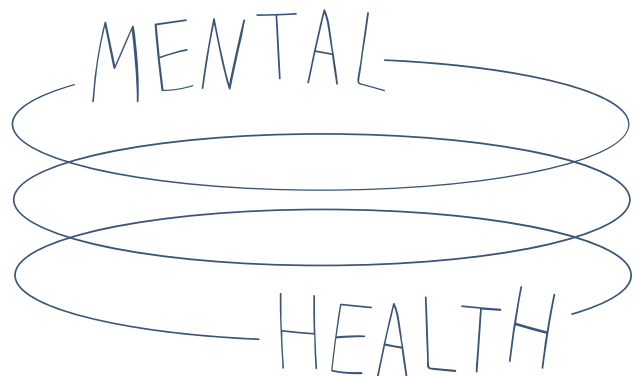
Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

None found.

Note that in 2023 MN enacted HR 16, which prohibits conversion therapy for individuals under age 18 or vulnerable adults. Specifically:

- Conversion therapy is not covered under the state medical assistance program (Minn. Stat. § 256B.0625).
- Mental health practitioners and professionals are prohibited from engaging in conversion therapy with a client under age 18 or who is a vulnerable adult. Minn. Stat. § 214.078.
- Misrepresentation of conversion therapy services or products is prohibited. (Minn. Stat. § 325F.69, subd. 7) (“No person or entity shall, while conducting any trade or commerce, use or employ any fraud, false pretense, false promise, false guarantee, misrepresentation, false or misleading statements, or deceptive practice by advertising or otherwise offering conversion therapy services that could reasonably be interpreted or inferred as representing homosexuality as a mental disease, disorder, or illness, or guaranteeing to change an individual’s sexual orientation or gender identity.”)

MN also recently enacted HR 146, which in general terms, as described by the bill’s sponsor, is designed “to protect transgender people, their families and health care providers from legal repercussions if they travel to Minnesota to get gender-affirming care.”



Mississippi

Age or Other Limitations

Is there an age range for consent?

The short answer is that there is no parental consent needed for a minor who is 15 or over to be treated for mental health services related to use of drugs or alcohol. The relevant provision is *Miss. Code Ann. § 41-41-14*:

“Physician treating minor for mental or emotional problems resulting from alcohol or drugs need not obtain parental consent.

(1) Any physician or psychologist duly licensed to practice medicine or psychology in the State of Mississippi, who in the exercise of due care consults with or prescribes medication for a minor at least fifteen (15) years of age for mental or emotional problems caused by or related to alcohol or drugs is under no obligation to obtain the consent of the spouse, parent or guardian of said minor, but said minor may consent to such treatment the same as if the minor had reached the age of majority.

(2) The licensed physician or psychologist may, but shall not be obligated to, inform the spouse, parent or guardian of a minor in the circumstances enumerated as to the treatment given or needed and the information may be given to the spouse, parent or guardian

without the consent of the minor patient and over the express refusal of the minor patient.

(3) The parent, spouse or guardian shall not be financially liable for any such consultation unless and until they have consented to the same.”

This is an exception to the general rule, which provides: “An unemancipated minor does not have the capacity to consent to general medical care, including any treatment or procedures suggested or directed by a licensed physician. The consent of the minor’s guardian/custodian; parent; adult sibling; or grandparent is required. If none of these people are reasonably available, an adult who has exhibited special care and concern for the minor and who is reasonably available may consent.” *Miss. Code Ann. § 41-41-13*.

Emancipated minors may consent for healthcare in Mississippi. A minor is emancipated if they are:

- Under 18 years of age but is/has been married
- Under 18 years of age but has a court-issued emancipation order
- Is 18 years of age or older.

Miss. Code Ann. § 41-41-203(e)

This is a helpful resource – [Minor Consent & Confidentiality in Mississippi](#).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Consent for unemancipated minors under age 18 (but over 15) is conditional on the minor being treated by a physician or psychologist for mental or emotional problems caused by or related to alcohol or drugs.

It is not explicitly clear if this refers to the individual's own use of alcohol or drugs rather than mental or emotional problems arising from a parent or family member's drug or alcohol use.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes. As stated above, the treatment must be from a physician or a psychologist for "mental or emotional problems caused by or related to alcohol or drugs." See *Miss. Ann. Code* § 41-41-14.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Youth certainly can apply for coverage that includes mental health treatment. What is less clear is whether they can apply for it without an adult/guardian.

There are a few different coverage options:

Mississippi Health Benefits for Children

Health benefits for children from birth to age 19 are through Medicaid.

Some children may be eligible for Medicaid. Other children whose families make too much money to qualify for Medicaid may be eligible for the Children's Health Insurance Program (CHIP).

The Mississippi Dept. of Health has a good overview of the different healthcare services available.

- Mississippi CHIP - CHIP provides health coverage for uninsured children up to age 19 years old. To be eligible for CHIP, a child cannot be eligible for Medicaid. At the time of application, children with health insurance are not eligible for CHIP.
 - The Children's Health Insurance Program provides insurance coverage for uninsured children up to age 19 whose family income does not exceed 209% of federal poverty level (FPL.) Families may earn up to 209% of the federal poverty level and be eligible for CHIP. A child must be determined ineligible for Medicaid before eligibility for CHIP can be considered. Children with current health insurance coverage at the time of application are not eligible for CHIP.
- Mississippi Medicaid - Basic eligibility requirements:
 - You must be a citizen of the United States or a qualified alien.
 - You must be a resident of Mississippi.
 - You must meet requirements for age and/or disability, income and other Mississippi

Medicaid eligibility requirements such as resources for certain aged, blind or disabled coverage groups.

- You must file an application form.
- You must provide requested verification within the allowed time limits.
- List of Medicaid providers (can search for both MS Medicaid and MSCHIP)

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, but there are special limitations. For example, someone over 19 can access Medicaid if they are:

- Parents/caretaker of minor children who are low-income, pregnant women under 194% of the FPL, people with a disabled child living at home, the working disabled, aged, blind or disabled.
- See explanation here.

Are there any programs for undocumented youth?

- Yes, see the Emergency Services for Immigrants (who do not otherwise qualify for Medicaid) available at this link.
- Covered group: non-qualified or undocumented immigrants
- Income limits: an immigrant must qualify for a covered group on all factors *other than citizenship* and immigration status.
- The income (and resource) limit for the covered group applies.

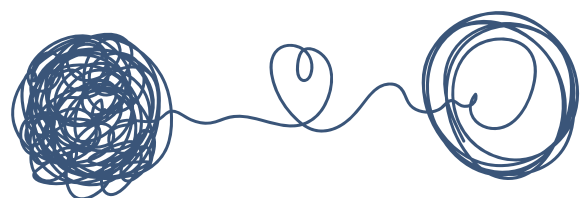
- Age: The age limit for the applicable covered group applies.
- Qualifications: Immigrants who have had an emergency medical service and who are determined eligible for a covered group, are covered solely for the date of service of the emergency.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

This resource provides what services are offered:

- The list includes the following services:
 - Therapeutic Group Home
 - Treatment Foster Care
 - Prevention/Early Intervention
 - Emergency/ Crisis Services
 - Crisis Stabilization Services
 - Targeted Case Management
 - Peer Support (Family & Youth)
 - Community Support Services
 - Day Treatment
 - Outpatient Therapy (Individual, Family and Group)
 - Physician/Psychiatric Services
 - MAP (Making A Plan) Teams
 - Family Education and Support
 - Wraparound Facilitation
 - MYPAC – Mississippi Youth Programs Around the Clock
 - Respite Services
 - Therapeutic Foster Care

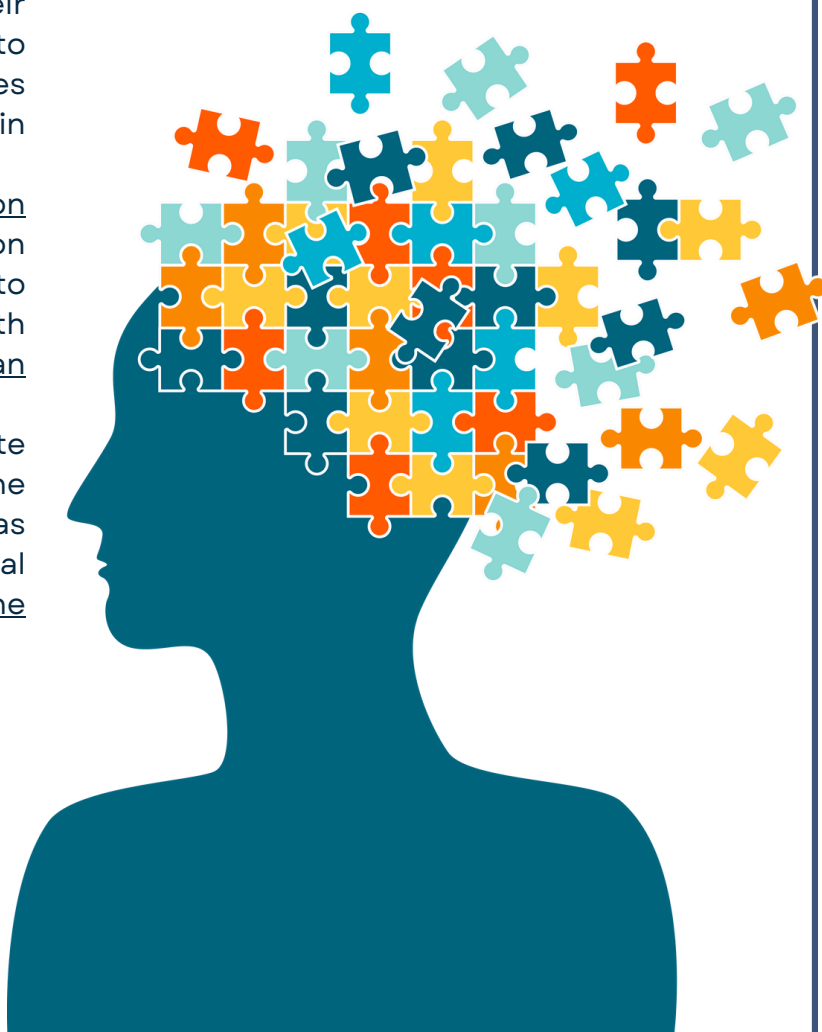


Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes. Mississippi completely bans gender affirming care. The following excerpts from the linked Axios article are worth noting:

- Mississippi banned gender-affirming care for transgender youth in February 2023.
- It prohibits the provision of “gender transition procedures,” which include puberty blockers and gender reassignment surgeries to anyone under 18.
- Healthcare workers will have their licenses revoked if they are found to violate the law, which also enables patients to sue their providers within a 30-year statute of limitations.
- The American Medical Association has warned that restrictions on gender-affirming care could lead to negative impacts on mental health for trans youth, who have an increased risk of suicide.
- 71% of LGBTQ youth say that debate around state laws “restricting the rights of LGBTQ young people” has negatively impacted their mental health, according to a poll by The Trevor Project.



Missouri

Age or Other Limitations

Is there an age range for consent?

- For Unspecified Medical Care, 16-17.
- For Pregnancy Medical Care, for Venereal Disease Treatment, Drug and Alcohol Treatment, and for Minor Parents, there is no age limit.
- For Minors Seeking Emergency Care, no age specified.
- For Minors Seeking Inpatient Mental Health Services, no age specified.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

- Yes, for general medical care (see more specific categories below), consent is conditioned. Per *Missouri Rev. Stat. 431.056*, the following may consent to “medical care” or to receive “services as a victim of domestic violence or sexual abuse:
- A youth age 16 or 17 who is homeless or a victim of domestic violence and who is self-supporting (without physical or financial support of a parent or legal guardian).
- The youth’s parent or legal guardian must have consented to the youth living independently, but consent can be implied by the simple act of forcing the youth out of the home, refusing to provide financial support to the youth, or abuse or neglect.
- Per *Missouri Rev. Stat. §431.061(4) (a)*, Any minor may consent to any medical, surgical, or other treatment or procedures in case of pregnancy, excluding abortion.

- Per *Missouri Rev. Stat. §431.061(4) (c)*, Any minor may consent to any Drug and Alcohol Treatment.

For the above three instances, the medical provider is permitted to advise the parent or guardian without telling the minor. *Missouri Rev. Stat. § 431.062*.

- Per *Missouri Rev. Stat §§431.065.1 & 431.061(2) and (3)*, Any minor parent or legal custodian is considered an adult for the purpose of entering into a contract for surgical, medical, or other treatment or procedure for themselves and their child in their legal custody.
- Per *Missouri Rev. Stat. §595.220(2)*, A minor may consent to examination under section 595.220(2). Consent of parent or guardian of the minor is not required for such examination, but the medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.
- Per *Missouri Rev. Stat. §§ 632.110, 632.155*, a voluntary mental health patient – was not admitted on the application of another person – may request his or her own release and shall be released immediately, unless refused by the head of the mental health facility because the minor has a mental disorder and, as a result, present a likelihood of serious physical injury to himself or others.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

See the limitations described in the response to Question 1 above – Missouri has many potentially applicable rules.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Eligible youth must be 18 years of age or under, a US citizen, uninsured and ineligible for Medicaid and have an annual household income below certain thresholds.

Links:

- <https://www.benefits.gov/benefit/1606To>
- This link to apply works - <https://mydss.mo.gov/healthcare/apply>

Minors can apply on their own behalf in the following situations:

- A minor, regardless of age, can sign the application, if any of the following conditions apply:
 - pregnant
 - lawfully married
 - a parent
 - legally emancipated
- A minor who is homeless and/or a victim of domestic violence meeting the criteria below (per *Mo. Rev. Stat. § 431.056(1)*):

- age 16 or 17 years old
- homeless (per *Mo. Rev. Stat. § 167.020(1)*)
 - sharing housing (couch surfing and/or temporary sharing).
 - living in motels, hotels, or campgrounds.
 - living in emergency or transitional shelters.
 - living in cars, parks, abandoned building, bus or train stations.
 - other nighttime residences that are not designed for or ordinarily used as a regular sleeping accommodation for people.
- self-supporting (parents and/or guardians are not providing physical or financial support)
- a parent and/or guardian is unwilling or unable to provide care for the minor. This may be explicit statements or implied by:
 - making statements (written or verbal) that the minor may live independently.
 - barring the minor from the home or otherwise indicating they are not welcome to stay.
 - refusing to provide any financial support.
 - abusing or neglecting the minor or committing acts of domestic violence against the minor.

Source: [1802.020.00 Signing the Application – DSS Manuals \(mo.gov\)](#).

If a minor does not meet the requirements to apply on their own behalf, the following can sign the application:

- A parent, including minor parents on behalf of their minor children or any child in his or her legal custody
- An authorized representative
- A guardian or conservator
- Someone acting responsibly for the applicant. This person must be age 18 or older and have the capacity to enter into a contract and who:
- Is related to the applicant by blood, marriage, or adoption; OR
- Is a person who the division reasonably determines has sufficient knowledge of the applicant's circumstances to accurately complete the application, and has an obligation to act in the best interests of the applicant.

Source: 1802.020.00 Signing the Application – DSS Manuals (mo.gov).

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there an option for low-income adults to get medical coverage)?

Missouri Medicaid is called MO HealthNet. myDSS.mo.gov/healthcare

If you are 19 or older, you can qualify for MO HealthNet if you are low income, have low resources and you meet at least one of the following:

- Are disabled.
- Are blind.
- Are pregnant.
- Have a child who also gets MO Healthnet.
- Are over 65.
- Are a woman being treated for breast or cervical cancer.

Are there any programs for undocumented youth?

Most undocumented youth are ineligible, except for emergency medical care –

<https://dss.mo.gov/fsd/iman/emcia/1700-000-00.html>

Certain immigrants, including Lawful Permanent Residents (LPRs), are eligible five years after entry.

That five year ineligibility does not apply to the children of LPRs, so children of LPRs should be eligible.

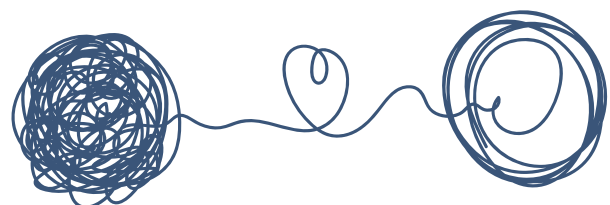
Coverage

What do the state insurance programs actually cover re: mental health treatment?

MO HealthNet does provide certain mental health services. A provider directory and list of programs can be found at: [Help for mental health, drugs, alcohol – MO Medicaid, CHIP | SAMHSA](#)

There is also a list of services and what insurance programs cover them here: [MHD Coverage by Service \(mo.gov\)](#).

The following benefit matrix appears to show those services, including mental health services, that are covered by certain MO insurance programs.



Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes, the Missouri Save Adolescents from Experiment (SAFE) Act (*Missouri Rev. Statute § 191.1720*) makes it illegal for doctors to perform gender transition surgeries on children and for them to use cross-sex hormones or drugs that stop puberty until August 2027. It also prohibits MO HealthNet from covering gender-affirming care.

See also Emergency Rule, 15 CSR 60-17.010 Experimental Interventions to Treat Gender Dysphoria, which makes it “an unfair, deceptive, fraudulent, or otherwise unlawful practice for any person or health organization to provide a covered gender transition intervention to a patient (or refer a patient for such an intervention)” unless numerous enumerated conditions are met.



Montana

Age or Other Limitations

Is there an age range for consent?

No. However, a minor suffering from a mental disorder and requiring commitment to a facility for treatment may consent if at least 16 y.o.

- Minor can, w/o consent of a parent/guardian, consent to receive MH services from a facility, person licensed in MT to practice medicine; or a MT-licensed MH professional. (See Mont. Code Ann. § 53-21-112(1) & (2)) Minor cannot consent to voluntarily admission to a state hospital. (See Mont. Code Ann. § 53-21-112(3))

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Minor can consent to the provision of health services, including MH services, if minor: (See Mont. Code Ann. § 41-1-402)

- professes to be or have been married; or
- has a child; or
- graduated from high school; or
- is separated from their parent(s) or legal guardian for whatever reason and is providing self-support by whatever means (i.e., homeless); or
- needs emergency care, without which the minor's health would be jeopardized. If emergency care is rendered, the minor's parent(s) or legal guardian must be informed as soon as practical, except if given under the above circumstances.

- is pregnant or afflicted with communicable disease.

*These conditions must be verified by healthcare professional upon a bona fide and reasonable belief supported by fact. (See MCA 41-1-402)

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

The only limitation on consent is with respect to minors of at least 16 years of age suffering from a mental disorder and requiring commitment; such minor cannot consent to/voluntarily be admitted to a state hospital. (See Mont. Code Ann. § 53-21-112)

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes, a youth can apply for the Healthy Montana Kids (HMK) plan, which is free or low-cost health insurance covering eligible MT children up to age 19. (see <https://dphhs.mt.gov/hmk/>) Through HMK, children ages 19 or under can receive medical benefits administered through Blue Cross Blue Shield (BCBS) of MT Provider Network. Youths can apply online See <https://apply.mt.gov/> to obtain insurance through the HMK plan.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, someone over the age of 19 can access coverage if they are deemed low-income adults, (See [link](#)) as Medicaid and HMK Plus are available. (See [link](#))

Are there any programs for undocumented youth?

No, there are no programs for undocumented youths in MT.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Montana's HMK plan specifically provides the following MH coverage: behavioral health services, extended behavioral health services, psychiatric services and psychologist services. (See [link](#)) The HMK plan pamphlet also details the copay that is needed for each of these services, as applicable

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

[HB 303 \(May 2023\)](#), allows medical practitioners, healthcare institutions and healthcare payers (including doctors, nurses, counselors, pharmacists and insurance companies) to deny any medical services based on personal

beliefs, rather than patient need. (See [link](#)) Permits providers to refuse treatment on conscience grounds.

*Note, the immunity of this law does not apply to health care institutions or healthcare payers owned or operated by the state or a political subdivision of the state.

Effective Oct 1, 2023, SB 99 will prohibit best practice gender affirming care for minors (under 18) by banning surgical procedures and medications intended to assist minors with gender dysphoria to transition.



Nebraska

Age or Other Limitations

Is there an age range for consent?

No, there is no age range for consent. Age of majority in Nebraska is 19. (See *Neb. Rev. Stat. § 43-2101(1)*: “All persons under nineteen years of age are declared to be minors, but in case any person marries under the age of nineteen years, his or her minority ends.”).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, whether or not a minor has the ability to consent is contingent upon the status of the youth – only emancipated or married minors are able to grant consent to medical treatment, subject to certain limited exceptions. *Neb. Rev. Stat. § 43-4802*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Emancipated minors are considered to have some of the rights of adults, including “making decisions regarding [their] own healthcare, medical care, dental care, and mental healthcare, without parental knowledge.” *Neb. Rev. Stat. § 43-4809(1)(a)*; see also *Neb. Rev. Stat. § 43-4810(1)(c)*.

There are a few limited instances where minors are explicitly permitted to consent to treatment without parental consent (note some of these exceptions are only applicable to 18-

year-olds, due to Nebraska’s age of majority being 19):

1. Mental health services (only if 18+) (*Neb. Rev. Stat. § 43-2101(2)(b)*).
2. Abortion (only if 18+) (*Neb. Rev. Stat. § 71-6902*).
3. Donate blood (only if 17+) (*Neb. Rev. Stat. § 71-4808*)
4. Testing and treatment for sexually transmitted diseases (any age) (*Neb. Rev. Stat. § 71-504*).
5. Emergency medical treatment (any age) (See generally *Neb. Rev. Stat. § 38-1232*).

Additionally, “a parent or guardian of a minor who is at least eighteen years of age and who is not a ward of the state, by a properly executed power of attorney, may delegate to such minor, for a period not exceeding one year, the parent’s or guardian’s power to consent to such minor’s own health care and medical treatment.” (*Neb. Rev. Stat. § 30-2604*).

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It is unclear if a minor can apply on their own behalf. The application can be completed online at [ACCESS Nebraska](#). Eligible individuals can also apply over the phone by calling the Department of Health and Human Services (DHHS) at (855) 632-7633. Representatives are available Monday through Friday 8 a.m. to 5 p.m.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Nebraska offers a program for residents age 19 through 64 who earn up to 138% of the federal poverty level as part of its Medicaid Expansion effort (referred to as “Heritage Health Adult”). [See Medicaid Expansion in Nebraska](#)

Individuals can use an online screening tool to determine if they are eligible for [Medicaid benefits](#). There is also a more comprehensive screening tool within the [ACCESS Nebraska portal](#).

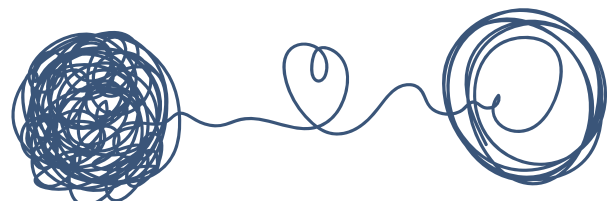
Are there any programs for undocumented youth?

The programs available from Nebraska Medicaid appear to only be available to United States citizens or qualified immigrants. However, undocumented youth may be eligible for emergency services through the Emergency Medical Services Assistance (EMSA) program. (See 477 N.A.C. 27-009.)

Coverage

What do the state insurance programs actually cover re: mental health treatment?

“Nebraska Medicaid covers mental health and substance abuse services for children and adolescents including outpatient services, middle intensity services, day treatment, and hospital services.” ([Medicaid Services, Nebraska Dept. of Health & Human Services](#).)



Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

- Nebraska’s “Let Them Grow Act” became operative on October 1, 2023 and prohibits health care practitioners from performing “gender altering procedures” (as defined in the Act) on individuals under 19. ([See Neb. Rev. Stat. § 71-7304\(1\)](#))/[See also NE Leg. Bill 574](#)) The Let Them Grow Act does not prohibit practitioners from providing “nonsurgical gender-altering procedures” (such as puberty-blocking drugs, cross-sex hormones, or both), but it did authorize the Nebraska Department of Health and Human Services’ (“NE DHHS”) chief medical officer to promulgate rules regarding these types of treatments for individuals under 19. ([Neb. Rev. Stat. § 71-7305\(1\)](#).)
- NE DHHS published emergency regulations under the Let Them Grow Act, effective October 1, 2023, which impose various requirements for individuals under 19 to obtain access to nonsurgical gender-altering procedures including, among other things:
 - Minimum number of gender-identity-focused therapeutic hours required prior to an individual receiving puberty-blocking drugs, cross sex hormones, or both;
 - Patient advisory requirements necessary for a health care

practitioner to obtain informed consent;

- Patient medical record documentation requirements; and
- A minimum waiting period between the time the health care practitioner obtains informed patient consent and the administration; prescribing; or delivery of puberty-blocking drugs, cross-sex hormones, or both. (*181 Neb. Admin. Code Chapter 8.*)

FAQs regarding the Let them Grow Act can be found here.

FAQs regarding the Emergency Regulations can be found here.



Nevada

Age or Other Limitations

Is there an age range for consent?

No, but a parent or legal guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with several exceptions.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes. See *Nev. Rev. Stat. § 129.030*. The minor may consent if they are:

“(a) Living apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;
(b) Married or has been married;
(c) A mother, or has borne a child; or
(d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided.”

Minor must understand the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily request it.

Before initiating treatment, a provider must make prudent and reasonable efforts to communicate with minor's parents or legal guardian and shall make a note of such efforts in the record of the minor's care. This reasonable effort is required unless the physician determines that communicating with the parents or guardian to the minor will jeopardize treatment necessary for the minors

life, or to avoid a serious and immediate threat to the minors health.

Minor must provide “documentary proof” they are living apart from parent or legal guardian. The statute provides the following examples of acceptable documentation:

- Written statement signed by governmental agency or nonprofit providing services to individuals experiencing homelessness; school social worker, counselor; or attorney
- Documentation demonstrating minor has been placed in protective custody
- Decree of emancipation

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Minors require parental consent for mental health services and treatment, unless *Nev. Rev. Stat. § 129.030* applies. (The minor must be living apart from his parents or legal guardian, with or without the consent of the parent, parents or legal guardian, for at least 4 months.)

A minor may give consent to treatment if they are under the influence of, or suspected of being under the influence of, a controlled substance. If the minor is unable to give consent, deemed consent may be established. *Nev. Rev. Stat. § 129.050*.

Providers must make every reasonable effort to report treatment to the minor's parents or guardian within reasonable time after treatment.

A minor may consent to treatment for STDs. Nev. Rev. Stat. § 129.060 (2012).

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

If a child is in custody of the state or county through foster care or juvenile justice, they are automatically enrolled in Nevada Medicaid. Based on research there is no other path to enroll without a parent or guardian unless the minor is emancipated. The Division of Welfare and Supportive Services which handles Medicaid enrollment in Nevada does not have a mechanism to enroll children who do not have a guardian or proof of emancipation. Schools and homeless programs will often work with the family to try and get them to enroll the child even if they will not let the child stay in the home but this informal and only when / if resources are available.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Nevada expanded Medicaid up to 138% FPL. Applications for coverage can be made through Access Nevada (<https://accessnevada.dwss.nv.gov/public/landing-page>) which is a single portal for all health care coverage affordability programs, including individual market qualified health plans.

Are there any programs for undocumented youth?

No.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

See Medicaid state plan [here](#)

See CHIP state plan [here](#).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

No. Both [Medicaid](#) and [state-regulated commercial insurance](#) are required to cover medically necessary gender affirming care treatments.



New Hampshire

Age or Other Limitations

Is there an age range for consent?

Young adults age 18 or older are allowed to consent for their own health care. For under 18 year olds, consent of a parent or other authorized adults is generally required, but there are exceptions, like mental health services and drug dependency or other drug-related problems. *N.H. Rev. Stat. § 21:44, N.H. Rev. Stat. § 318-B:12-a.*

Minors may apply to an approved community mental health program. *N.H. Rev. Stat. § 135- C:12.* Parents may also apply for such programs on behalf of the minor.

New Hampshire also has implemented a “system of care model” for providing behavior health services to children in all of the publicly-funded service systems in the state. *N.H. Rev. Stat. § 135- F:1, 2.*

A minor 12 years of age or older may submit himself to treatment for drug dependency or any problem related to the use of drugs without the consent of a parent or guardian. (*N.H. Rev. Stat. § 318-B:12-a - “Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of the treatment and the consequences thereof.”*)

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, it is not. (*N.H. Rev. Stat. § 135- C:12 - “Any person may apply”*)

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

“Community mental health programs” are programs offered by the state, city, town, or county, or a nonprofit corporation to provide mental health services to residents and include emergency, medical or psychiatric screening and evaluation, case management, and psychotherapy services. *N.H. Rev. Stat. § 135- C:2 IV. and XVI.*

All placements of clients into the programs and services in the mental health system shall be voluntary and requires consent of client or guardian, with the exception of emergency treatment or involuntary admissions. *N.H. Rev. Stat.. § 135- C:15.*

“Treatment” means examination, diagnosis, training, rehabilitation therapy, pharmaceuticals, and other services provided to clients in the mental health services system. It does not include exams or diagnosis for purposes of involuntary admissions. *N.H. Rev Stat § 135-C:2.*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

In New Hampshire, CHIP is known as Expanded Children's Medicaid.

New Hampshire permits children to apply for their own health care if they otherwise meet the eligibility requirements. A simple questionnaire at <https://nheasy.nh.gov> will provide preliminary determinations as to eligibility for Children's Medicaid, as well as other programs such as cash, Supplemental Nutrition Assistance Program, and child care.

Applications may be obtained online at <https://www.dhhs.nh.gov/dfa/apply.htm>, or <https://nheasy.nh.gov>, or by calling 1-800-852-3345, extension 9700.

The application portal is easy to find, although information as to whether youth can apply for themselves is not.

A number of references to "Healthy Kids New Hampshire" still exist on the internet. This public-private partnership was shut down years ago, and these existing references could cause confusion.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Generally, CHIP access ends at age 19, though children with special challenges may be eligible to continue coverage through the Aid to the Permanently and Totally Disabled (APTD) or Aid to the

Needy Blind (ANB) eligibilities with the same benefits until the age of 21.

Any severely disabled child up to age 20 with income no higher than 196% of FPL does not have to be living with a parent or relative to receive special coverage.

Are there any programs for undocumented youth?

New Hampshire Medicaid coverage is limited to "U.S. citizens or eligible qualified noncitizens." Determination criteria can be found at https://www.dhhs.nh.gov/aam.htm/html/305_07_determining_qualified_alien_status_aam.htm

Undocumented youth are eligible for emergency Medicaid regardless of immigration status.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Mental health services in NH are available to everyone, regardless of age or ability to pay.

There are ten Community Mental Health Centers (CMHCs) which are private, full-service clinics offering a wide variety of therapeutic services including assessment and evaluation, individual and group therapy, case management, community-based rehabilitation services and psychiatric services. All CMHCs have specialized programs for children. <https://nhcbha.org/>

“Any person” may apply to approved community mental health program to receive services from the state mental health services system; application also may be made by a minor’s parent or guardian. *N.H. Rev. Stat. Ann. § 135- C:12.*

Additionally, youth in crisis may call or text the New Hampshire Rapid Response Access Point at (833) 710-6477 or visit www.NH988.com to chat with a trained professional.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Every severely mentally disabled person is eligible for state mental healthcare services, and cannot be denied services because of sex or gender identity, though it does not expressly list sexual orientation which could impact LGBTQ youth. *N.H. Rev. Stat. § 135- C:13.*

Further, the state “Law Against Discrimination” prohibits discrimination on the basis of sex, sexual orientation, gender identity and physical and mental disability in employment, housing and places of public accommodation, which includes a health care provider. *N.H. Rev. Stat. § 354-A:1.*

There is little in state law actively preventing LGBTQ youth from accessing nondiscriminatory and gender affirming mental health treatment.

Conversion therapy for minors is banned in New Hampshire. *NH Rev Stat § 332-L:1.*

New Hampshire does not in any way ban or restrict best practice medical care for transgender youth. [Movement Advancement Project](#). “Equality Maps: Bans on Best Practice Medical Care for Transgender Youth.”

State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity • Ban on transgender exclusions. See [RSA 415:15 \(2020\)](#) and [Bulletin No. 20-033-AB](#)



New Jersey

Age or Other Limitations

Is there an age range for consent?

According to *N.J. Rev. Stat. § 17A-4*, consent by minor to treatment, a minor who is 16 or older who believes they need services for “treatment of mental illness or emotional disorders” can consent as if they were of legal age in certain circumstances. *N.J. Stat. Ann. § 9:17A-4*.

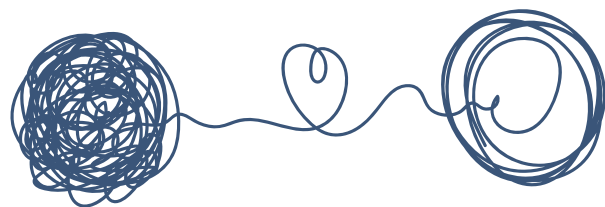
Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, consent is not conditioned upon the status of the minor. *N.J. Stat. Ann. § 9:17A-4*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Limitations on the consent include: (1) that the consent is limited to temporary, outpatient treatment; (2) that the consent excludes the use or administration of medication; and (3) that the consent is for treatment under the supervision of specified individuals (“a physician licensed to practice medicine,” “an advanced practice nurse”, or “an individual licensed to provide professional counseling under Title 45 of the Revised Statutes”). *N.J. Stat. Ann. § 9:17A-4*.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes, it appears that youth can apply for CHIP through New Jersey Family Care (NJFC). It says “all are eligible to apply”: https://njfamilycare.dhs.state.nj.us/who_eligibl.aspx

To be eligible, the applicant must be (i) either 18 years of age and under, (ii) a U.S. citizen, national or a non-citizen legally admitted into the U.S., (iii) uninsured and ineligible for Medicaid and (iv) have an annual income limit that is below the threshold set forth in the application.

According to the nj.gov site linked below, applicants to the MEYA program can call or email the program directly or discuss their eligibility with their CP&P case worker.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid Extension for Young Adults (MEYA) was established to provide youth with health insurance through the state of New Jersey until the age of 26. Income is not an eligibility factor. Interested applicants can call 1-(888)-235-4766 or email the program at DCF.MEYA@dcf.nj.gov. [site link]. To access this information, visit <https://www.nj.gov/njyrs/health/insurance/>.

Are there any programs for undocumented youth?

Effective as of January 1, 2023, undocumented youth are eligible to be covered under the State of New Jersey's Medicaid and CHIP programs. (*Cover All Kids* | [nj.gov](https://www.nj.gov)).

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The CHIP program has behavioral health benefits, and federal statutes require the program to comply with mental health and substance use disorder parity requirements: copays, coinsurance, and out-of-pocket maximums, limitations on services utilization, and the use of non-quantitative treatment limitations.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

At this time, there does not appear to be anything in state law that would negatively affect LGBTQ youth in accessing gender-affirming mental health treatment. NJ protects access to medical care in hospital regardless of gender identity in State Law A4568 and bans state departments and agencies from cooperating with interstate investigations to prosecute individuals seeking or providing gender-affirming care in Executive Order 326. [\[site link\]](#) [\[site link\]](#) [\[site link\]](#)



New Mexico

Age or Other Limitations

Is there an age range for consent?

A minor under age 14 may consent to initial assessment & verbal therapy for 2 weeks. *NM Stat § 32A-6A-14.*

A minor age 14 or older with capacity to consent may consent to treatment, including individual psychotherapy, group psychotherapy, guidance counseling, case management, behavioral therapy, family therapy, counseling, substance abuse treatment or other forms of verbal treatment that do not include aversive interventions or special education services. Psychotropic medications may be administered but the clinician shall notify the legal custodian of the child 14 or older. Capacity is presumed & determination of lack of capacity must be made by two clinicians. (*NM Stat § 32A-6A-15; NM Stat § 32A-6A-16.*)

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, although New Mexico has laws authorizing some minors to consent for health care based on their specific status, as described above.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

A minor under age 14 may consent to initial assessment & verbal therapy for 2 weeks. *NM Stat § 32A-6A-14.*

A minor age 14 or older with capacity to consent may consent to treatment, including individual psychotherapy, group psychotherapy, guidance counseling, case management, behavioral therapy, family therapy, counseling, substance abuse treatment or other forms of verbal treatment that do not include aversive interventions or special education services. Psychotropic medications may be administered but the clinician shall notify the legal custodian of the child 14 or older. Capacity is presumed & determination of lack of capacity must be made by two clinicians. (*NM Stat § 32A-6A-15 (2021); NM Stat § 32A-6A-16 (2021)*)

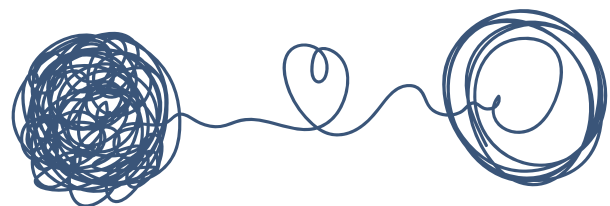
New Mexico has laws authorizing some minors to consent to health care based on a minor's specific status and laws authorizing some minors to consent to specific services, as described above.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It is unclear if a minor can apply on their own. The program is called Centennial Care and the application can be found on the Human Services Department's website:

(<https://www.hsd.state.nm.us/>).



Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

On January 1, 2014, New Mexico implemented Medicaid Expansion for low-income adults age 19-64.

Are there any programs for undocumented youth?

Centennial Care appears to only be available to United States citizens. Undocumented youth may be eligible for coverage of emergency care.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Generally, the Centennial Care program covers a range of mental health services such as outpatient therapy, psychiatric consultations, medication management, inpatient mental health care, and crisis intervention.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

The state's minor consent laws do not explicitly provide for LGBTQ youth to consent for specific services such as nondiscriminatory and gender affirming mental health treatment, however, they are able to consent—on the same basis as any other minor—for other services that are covered by the minor consent laws or other laws, such as care for mental health treatment.

House Bill 7, the Reproductive and Gender-Affirming Health Care Freedom Act (signed 3/16/2023), prohibits public bodies, including local municipalities, from denying, restricting or interfering with a person's ability to access gender-affirming health care, including psychological, behavioral, surgical, pharmaceutical and medical care, services and supplies provided to support a person's gender identity.



New York

Age or Other Limitations

Is there an age range for consent?

No, there is no age range for consent, although there is an age range to consent for specific services (See *discussion of outpatient below*). (*N.Y. Mental Hyg. Law § 33.21(c)*).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Several categories of youth can give automatic consent: pregnant teens, minors who are parents, married minors, and emancipated minors.

For other minors, consent is conditional on the meeting of three different criteria in *N.Y. Mental Hyg. Law § 33.21(a)*:

- (1) the minor is knowingly and voluntarily seeking such services; and
- (2) provision of such services is clinically indicated and necessary to the minor's well-being; and
- (3):
 - (i) a parent or guardian is not reasonably available; or
 - (ii) requiring parental or guardian consent or involvement would have a detrimental effect on the course of outpatient treatment; or
 - (iii) a parent or guardian has refused to give such consent and a physician determines that treatment is necessary and in the best interests of the minor.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Outpatient

For outpatient services, a minor's consent can only be obtained "in an outpatient program licensed or operated pursuant to the regulations of the commissioner of mental health." *N.Y. Mental Hyg. Law § 33.21(a)(3)*. These outpatient services must exclude surgery, shock treatment, major medical treatment in the nature of surgery, or the use of experimental drugs or procedures. *N.Y. Mental Hyg. Law § 33.03(b)(4)*.

Outpatient mental health treatment may include the prescription of psychotropic medications based on a minor's own consent if the minor can give consent (under Section 1), the minor is 16 or older, and the physician obtains second opinions verifying his or her medical judgments. *N.Y. Mental Hyg. Law § 33.21(e)(2)*. A minor can meet with a mental health care provider without prior parental consent in order to determine whether the minor meets these guidelines. *N.Y. Mental Hyg. Law § 33.21(d)*.

Inpatient

A minor 16 or over can seek admission to a hospital for inpatient mental health treatment, including medication, on his or her own, but younger teens must obtain parental consent. *N.Y. Mental Hyg. Law § 9.13(a)*.

Parental consent is generally necessary for the nonemergency administration of psychotropic medications to minors in inpatient mental health facilities. *N.Y. Mental Hyg. Law § 33.21(e)(1)*. However, minors over 16 can receive medication without parental consent where medication is in the minor's best interests if: (1) a parent or guardian is not reasonably available, or (2) requiring parental involvement would have a detrimental effect on the minor, or (3) the parent or guardian has refused to consent. *N.Y. Mental Hyg. Law § 33.21(e)(2)*. The second and third situations require confirmation by a second, independent psychiatrist.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Youth under the age of 19 qualify for Child Health Plus and all young people under 21 are potentially eligible for Medicaid. Approval is subject to household income.

It appears that a minor can apply for Medicaid on their own behalf in certain circumstances: the minor is legally married; the minor is 16 or older, stayed in school until age 16, does not live with or receive money from a parent or guardian, and does not live in foster care; the minor is 16 or 17, pregnant or a parent, and does not live with the minor's parent or guardian because no parent or guardian is available; the minor and his or her child would be at serious risk of harm if they lived with the minor's parent. For more information, see page 83 of this pdf.

The application process can be found here—it is available both online and the applicant can call directly for assistance with applying.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, children until the age of 21 living at home can access Medicaid coverage.

Are there any programs for undocumented youth?

Yes, all children qualify for Child Health Plus, regardless of income or immigration status.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Yes, Child Health Plus and Medicaid include coverage for mental health treatment.¹⁰¹¹

Child Health Plus

Child Health Plus covers outpatient and inpatient mental health treatment, including substance abuse treatment.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

No, New York has very strong laws protecting LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment. In June 2023, the New York Governor signed the Trans Save Haven Law,

which: ensures that transgender youth are not separated from parents who help them seek gender-affirming care; prohibits local authorities from assisting other states in their investigation of families seeking legal gender-affirming care; and protects both the health information of trans individuals who come to New York for this type of care and the medical and health care providers who choose to help them. See N.Y. Senate Bill S2475B.



North Carolina

Age or Other Limitations

Is there an age range for consent?

Minors may consent to certain medical health services specified below.

For services other than those enumerated below, no, there is no age range for consent, but see additional detail in right column regarding the status of youth and the capacity to consent.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, the consent right is limited to emancipated minors. *N.C. Gen. Stat. § 90-21.5(b)*.

Additionally, the law only grants minors the legal capacity to consent to health services, but the minor is still required to demonstrate decisional capacity (or competence) or order to consent. A minor's decisional capacity is not presumed and must be assessed on a case-by-case basis. In the context of healthcare, decisional capacity is the ability to understand your health status, needs and options and to make a decision about them. This is a child-specific inquiry rather than a specific age, but it is typically examined by looking at a person's understanding, appreciation, reasoning and ability to make a choice and express it.

Consent

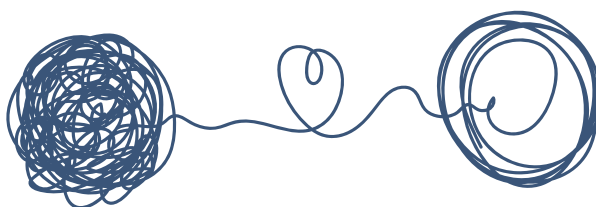
Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes. Minors may give consent to a physical licensed to practice medicine in North Carolina for medical health services only for prevention, diagnosis and treatment of the following:

1. Venereal diseases
2. Pregnancy
3. Abuse of controlled substances or alcohol
4. Emotional Disturbance

Minors are not authorized to consent to the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility, but admission of a minor to a treatment facility upon his own written application in an emergency situation is not prohibited.

In addition, healthcare providers have to obtain written consent from a parent or legal guardian prior to administering any vaccine that has been granted emergency use authorization and is not yet fully approved by the US Food and Drug Administration to an individual under the age of eighteen. *N.C. Gen. Stat. § 90-21.5(a)(1)*.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes. The North Carolina Department of Health and Human Services Family and Children's Medicaid Manual states: "The following individuals have a right to submit an application:

- 1.The applicant, including a minor, who is applying on their own behalf.
- 2.A representative who alleges that they are acting on behalf of the individual (a representative may include, but is not limited to: relative, friend, medical facility staff.)"

The NCDHHS website states that in order to be eligible, an applicant must:

- Be a US citizen or be able to show proof of eligible immigration status.
- Live in North Carolina and be able to show proof of residency.
- Have a social security number or show an application for one.

To complete the application, an applicant needs:

- Certified birth certificate or other proof of citizenship/immigration status.
- Identity documents.
- Social security cards, social security numbers or proof of an application.
- Two pieces to documentation to verify residency in North Carolina.
- Copies of all pay stubs for the last month.
- Copies of all medical or life insurance policies.

- List of all cars, trucks, motorcycles, boats, etc. that you or anyone in your household own, including the year, make, model and VIN for each item.
- Most recent bank statements.
- List of all real property you own.
- Current financial statements/award letters from other sources of income, such as social security, retirement benefits, pensions, veteran benefits, and child support.

A person can apply for NC Medicaid:

- 1.Online through Healthcare.gov;
- 2.By calling the Department of Social Services (DDS) and completing a telephone application;
- 3.Filling out a paper application and either mailing it, faxing it, or emailing it or dropping it off at the local Department of Social Services office;
- 4.Applying in person at the local DDS office

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, North Carolina will expand Medicaid under the Affordable Care Act on December 1, 2023. At this time, Adults under the age of sixty-five with household incomes up to 138% of the poverty level will be eligible for Medicaid.

Are there any programs for undocumented youth?

Based on this factsheet, it appears that lawfully present immigrants can purchase private health insurance in the Marketplace, but a person must have a qualifying immigration status in

order to be eligible for Medicaid and NC CHIP.

In addition, immigrants who are not eligible for Marketplace insurance or full Medicaid/CHIP coverage may still qualify to receive payment from Medicaid for treatment of emergency medical conditions (including labor and delivery).

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Benefits may be different depending on age, income, and health care needs. In general, Medicaid may cover the following services:

- Doctors, OB/GYNs, health departments and rural health clinics
- Laboratory and radiology
- Hospitals, anesthesia, and ambulatory surgical centers
- Outpatient specialized therapy
- Prescriptions (except prescriptions for Medicare beneficiaries)
- Vision and hearing
- Dental services
- Orthodontic services (limited to children)
- Podiatry
- Nursing home care
- Personal care and other home health services
- Medical equipment, such as wheelchairs
- Orthotics and prosthetics
- Mental and behavioral health care
- Transition from facilities to home- and community-based care

- Most medically necessary services for children under the age of twenty-one
- Medicare premiums, copayments, and deductibles

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes. House Bill 808, the gender-affirming health care ban, bars medical professionals in North Carolina from administering puberty blockers, hormones, and surgeries to transgender minors. Those who began treatment prior to August 1, 2023 may continue receiving care with their parents' consent. The law, which took effect immediately, also blocks state funds from being used to support government health plans that offer "surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones to a minor."

In June 2023, Senate Bill 631 passed in the House and is currently under consideration in the Senate. If passed into law, this bill would not allow public healthcare facilities to perform any surgical transition procedures on a minor and would prohibit public health physicians from providing puberty-blocking drugs or cross-sex hormones to children.

Senate Bill 574, which passed over the veto of NC Governor Cooper on August 16, 2023, restricts transgender females from playing on women's sports teams

at the middle school, high school, and college levels.

Also passed on August 16, 2023, over the veto of Governor Cooper was Senate Bill 49, which was a Parents' Bill of Rights. This law compels public school personnel to notify parents if a child asks to use a different name/pronouns, restricts discussion of sexuality issues in grades K-4; and gives parents the ability to sue school systems. A law professor at UNC was quoted as saying that Senate Bill 49 makes it more difficult for students to assume non-binary or transgender identities at school.



North Dakota

Age or Other Limitations

Is there an age range for consent?

Youth age 14 – 18 years old with some restrictions. But most applications require an adult to assist and communicate with the state/federal agency.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes. N.D. Cent. Code § 14-10-20 established that an unaccompanied homeless minor may consent to, contract for, and receive medical, dental or behavioral health examinations. An unaccompanied homeless minor means a minor 14 years of age or older, that is living in one of the situations described in 42. U.S.C. 11434a(2) and who is not in the care and physical custody of a parent or legal guardian.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

N.D. Cent. Code §50-06-06.13 addresses treatment services for children with serious emotional disorders. Specifically, N.D. Cent. Code §50-06-06.13(1) provides parents “without physical custody of a child, who disagrees with a child’s treatment, under this section, may request a judicial determination regarding the child’s treatment.” Therefore, it is possible if a child’s parent disagrees with any treatment (e.g. gender

affirming care) they could pursue judicial avenues to prevent that treatment.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No. While, it seems like children may apply for Medical Coverage (which includes mental health treatment) through North Dakota’s Medicaid program by assessing the website, the application form requires that the state needs “one adult in the family to be the contact person for your application.” It does appear that a child can appoint an authorized representative who is an adult in Appendix C of the Application.

- The state’s Medicaid program provides coverage to qualifying individuals in the following relevant groups: (1) Children in foster care or subsidized adoption; (2) Former foster care children up to age 26, under certain circumstances; (3) Children with disabilities (birth to 19).
- Further, the state’s Medicaid website states that “[m]ost children under age 19 become continuously eligible for Medicaid. That is, once they are determined eligible, they stay eligible for up to 12 months without regard to changes in circumstances.”

- A child could access 1915(i) services, which is a Medicaid program that allows individuals with behavioral health conditions to access additional home and community based services. There is no age requirement included in eligibility criteria, but the child would have to be enrolled in the State's Medicaid or Medicaid Expansion program, among other criterion for eligibility. Essentially, through that, an adult in the family or authorized representative is necessary.

Meanwhile, North Dakota's Children's Health Insurance Program (CHIP) restricts eligibility for children who are 18 years of age or younger who live in families with qualifying incomes. North Dakota's CHIP website notes that "single 18-year olds with eligible incomes may also apply." Medicaid and CHIP cover essential mental health and behavioral services for teens and kids.

Healthy Steps administers ND's CHIP program. The eligibility requirements to apply for the benefit program require that the child be a ND resident, and meet all of the following: (1) Either 18 years of age and under or a primary care giver with a child(ren) 18 years of age and under, and (2) A U.S. Citizen, National, or a Non-Citizen legally admitted into the U.S, and (3) Uninsured (and ineligible for Medicaid).

The state has a website and a Caregiver Authorization Form which is responsive to the McKinney-Vento Homeless Assistance Act (P.L. 107-110) requirement that homeless children have access to education and other services for which they are eligible.

Additionally, N.D. Cent. Code § 14-10-20 established that an unaccompanied homeless minor may consent to, contract for, and receive medical, dental or behavioral health examinations, care, or treatment without permission, authority, or consent of a parent or guardian. An unaccompanied homeless minor means a minor 14 years of age or older, that is living in one of the situations described in 42. U.S.C. 11434a(2) and who is not in the care and physical custody of a parent or legal guardian. In this above case, such unaccompanied homeless minors may contract for health programs so long as they have acceptable documentation demonstrating their status as an unaccompanied homeless minor.

Under N.D. Cent. Code § 14-10-17, a person of the age 14 years or older may contract for and receive examination, care or treatment for STDs or substance use disorder without the permission, authority or consent of a parent or guardian.

Transition-age youth (16-18 years old) who meet Projects for Assistance in Transition from Homelessness (PATH) eligibility requirements may receive PATH services where appropriate. But, PATH is intended to serve adults according to its handbook.

Each regional human service center in North Dakota's Health and Human Services offers walk-in Behavioral Health Assessments. Individuals can walk-in without an appointment and tell staff they want to be assessed for a behavioral health need.

The website and other local affiliate websites did not list any age requirements to access these services.

In summary,

- The state defines minors as those persons under 18 years of age.
- To apply to CHIP, it seems like the child would have to have a “primary care giver” to apply for them based on the eligibility criteria listed out by ND’s CHIP Administrator.
- The State’s Medicaid application form requires that the state needs “one adult in the family” to be the contact person for the application. Appendix C of the application (page 18) seems to provide a form for a child to choose an “authorized representative.”
- There is a state provided Caregiver Authorization Form which is responsive to the McKinney-Vento Homeless Assistance Act (P.L. 107-110) requirement that homeless children have access to education and other services for which they are eligible.

Under N.D. Cent. Code § 14-10-20, a minor over 14 years old and is not in the care and physical custody of a parent or legal guardian, may demonstrate their status an unaccompanied homeless minor through documentation including: a statement documenting such status, signed by a director or designee of a governmental or nonprofit entity that receives public or private funding to provide services to individuals who are homeless; a statement documenting such status, signed by a local educational agency

liaison for homeless children and youth designated pursuant to 42 U.S.C. 11432(g)(1)(J)(ii), a local educational agency foster care point of contact designated pursuant to 20 U.S.C. 6312(c)(5)(A), or a school social worker or counselor; a statement documenting such status, signed by an attorney representing the individual in any legal matter; or a statement documenting such status, signed by the individual and two adults with knowledge of the individual's actual circumstances.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Medicaid expansion is available to those over age 19 with household incomes up to 138% of the federal poverty line. If a one-person household’s annual income is equal to or lower than \$20,121 (rates effective April 1, 2023) they would probably qualify for Medicaid.

Are there any programs for undocumented youth?

There does not appear to be any state-run or otherwise publicly facing organization running a program for undocumented youth.

A section of the North Dakota Century Code, N.D. Cent. Code, § 50-11-06.11 states that “[a] person may not arrange for or promote care provided in a facility for unaccompanied undocumented children unless the facility has a license or approval issued by the department.”

Coverage

What do the state insurance programs actually cover re: mental health treatment?

According to the North Dakota Department of Health and Human Services, for members under 21 ND Medicaid covers:

- Psychiatric & Psychological Evaluations
- Inpatient services in a psychiatric unit of a hospital
- Individual-group-family psychotherapy
- Partial hospitalization services
- Inpatient psychiatric and residential treatment centers services

Other programs related to mental health available in the State:

North Dakota's Department of Health and Human Services' Behavioral Health Division has been awarded a four-year Substance Abuse and Mental Health Services (SAMHSA) **System of Care (SOC)** Expansion and Sustainability Grant to enhance mental health outcomes for children and youth. North Dakota will receive \$3 million per year starting September 30, 2022, through September 30, 2026. The SOC grant is designed to enhance mental health outcomes for children and youth, birth through age 21.

The purpose of the grant is to build and expand community-based behavioral health services and supports for children and youth with Serious Emotional Disturbances (SED) and their families. These services and supports include:

- Outpatient services
- 24-hour crisis emergency services
- Intensive home-based outreach and case management
- Intensive day treatment
- Respite care
- Recovery support services
- Transition services from child/youth to adult service system

According to the ND Health and Human Services Mental Health website, the SAMHSA System of Care grant "will develop more accessible services and supports that improve behavioral health outcomes for children, youth, young adults and their families."

Their "Connect with Us" statement reads as follows:

"The reform of North Dakota children's behavioral health system will require strong interagency partnerships and connections with children, youth, young adults, and their families most impacted by System of Care efforts. Please reach out to connect with a System of Care team member:

- Katie Houle, Clinical Administrator
khoule@nd.gov
- Megin Mitchell, Lead Family Administrator: medmitchell@nd.gov

Projects for Assistance in Transition from Homelessness (PATH)

The Projects for Assistance in Transition from Homelessness (PATH) Program supports the delivery of outreach and services to individuals experiencing homelessness and diagnosed with a serious mental illness.

Participant Eligibility:

PATH services are available to those who meet the following:

- Are diagnosed with a serious mental illness, or.
- Are diagnosed with a co-occurring serious mental illness and substance use disorder, and.
- Are experiencing homeless or at imminent risk of becoming homeless.

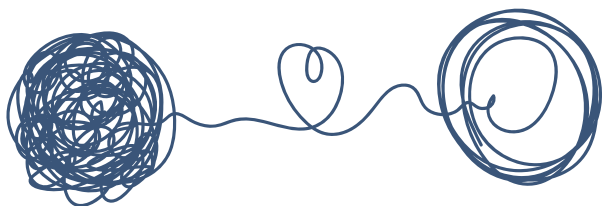
Services Provided:

- Outreach to locate and help those in need of services.
- Case management of services including therapy, skill-building training, supportive services in residential settings and daily living skills training/supervision.
- Assistance with meeting immediate needs such as obtaining food, shelter, clothing, transportation, financial assistance, benefits and services.
- Assistance with applying for and obtaining housing.
- Assistance with obtaining employment.
- Assistance with completing social security applications.
- Mental health assessments and referrals for psychological or psychiatric evaluations.
- Referral to addiction-related services.

Program for services to transition-aged youth at risk (*N.D. Cent. Code Ann. § 50-06-34*):

“The department shall develop, within current appropriations, a program for services to transition-aged youth at risk. The department shall use a wraparound planning process. The department shall adopt rules to establish eligibility, services, and a distinct statewide interagency advisory council on transition-aged youth at risk, with youth and family representation, and with regional subcommittees. For the purposes of this section, “transition-aged youth” means children and young adults at risk due to: a. Deprivation or other activities resulting in youth being involved with the foster care or juvenile justice system; b. Serious mental illness or serious disabilities that do not qualify the youth for developmental disabilities program management; or c. Suicidal tendencies.

Services under the program must include: a. Individualized assessments to determine the needs and appropriate services to individual transition-aged youth at risk; b. Single plan of care to coordinate services among available service systems, emphasizing existing case management resources; c. Independent living skills, including self-advocacy training; d. Enhanced or extended vocational rehabilitation, including transition from education to employment and from secondary education to higher education;



e. In-home support, including mentors, individual and family training, and access to respite care; and f. Development of a statewide independent living skills curriculum for youth and families.

Services to an individual youth must be appropriate to that individual and need not include all services of the program.

The department may accept and receive grants and other sources of funding for the development of a program for services to transition-aged youth at risk. All moneys received by the department as gifts, grants, or donations for the development of a program for services to transition-aged youth at risk under this section are appropriated on a continuing basis to the department.”

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes. The Governor signed a bill into law that restricts transgender healthcare in the state, immediately making it a crime to give gender-affirming care to people younger than 18.

N.D. Cent. Code Ann. § 12.1-36.1-02 (Eff. 4/1/23):

“1. Except as provided under section 12.1-36.1-03, if a minor's perception of the minor's sex is inconsistent with the minor's sex, a health care provider may not engage in any of the following practices for the purpose of changing or affirming the minor's perception of the minor's sex:

- a. Perform castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, or vaginoplasty;
- b. Perform a mastectomy;
- c. Prescribe, dispense, administer, or otherwise supply any drug that has the purpose of aligning the minor's sex with the minor's perception of the minor's sex when the perception is inconsistent with the minor's sex, including:
 - (1) Puberty-blocking medication to stop normal puberty;
 - (2) Supraphysiologic doses of testosterone to females; or
 - (3) Supraphysiologic doses of estrogen to males; or
 - d. Remove any otherwise healthy or nondiseased body part or tissue, except for a male circumcision.

2. A health care provider who willfully violates:

- a. Subdivisions a, b, or d of subsection 1 is guilty of a class B felony.
- b. Subdivision c of subsection 1 is guilty of a class A misdemeanor.”

Also, *N.D. Cent. Code §50-06-06.13* addresses treatment services for children with serious emotional disorders. Specifically, *N.D. Cent. Code §50-06-06.13(1)* provides parents “without physical custody of a child, who disagrees with a child’s treatment, under this section, may request a judicial determination regarding the child’s treatment.” Therefore, it is possible if a child’s parent disagrees with any treatment (e.g. gender affirming care) they could pursue

judicial avenues to prevent that treatment.



Ohio

Age or Other Limitations

Is there an age range for consent?

Minors 14 or older can consent to outpatient mental health services. See, *Ohio Revised Code §5122.04*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Services must be outpatient, cannot include the use of medication, and must be limited to no more than six sessions or 30 days of services, whichever occurs sooner.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

The Ohio Children's Health Insurance Program (CHIP) covers mental health care, which can be conducted in-person or via telehealth.

Under Ohio's eligibility requirements for CHIP, there is no enumerated path for children applying on behalf of themselves. Ohio CHIP provides coverage for "uninsured children (up to age 19) in families (emphasis added) with income up to 206% of the federal poverty level." A parent's income will be counted in the determination of a child's financial eligibility for Medicaid

and CHIP.

If there is a path to a youth applying for CHIP on their own, it is not easy to find. The website is silent. The Administrative Code does not go into that level of detail. The Ohio Medicaid hotline provider was unable to determine whether a youth could apply for coverage on their own, unless they were pregnant, and directs callers to the Department of Job and Families, where you cannot speak to an individual without having a Ohio zip code, which a homeless youth might not feel they have if they do not have a home.

Next of kin may apply on behalf of a child in their care; however, if the next of kin is seeking cash assistance or Medicaid for themselves and the youth, the next of kin must give their financial information, which impacts youth coverage. If they are just requesting for the youth in their care, they do not have to provide their financial information.

Based on research and conversations with Ohio Medicaid employees, it seems there is a gap in CHIP coverage for homeless youth applying for themselves in the state of Ohio.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid was expanded in Ohio.

Are there any programs for undocumented youth?

Under CHIP, there is no coverage for undocumented youth. The exception for coverage in Ohio is under Alien Emergency Medical Assistance and Refugee Medical Assistance.

The Alien Emergency Medical Assistance Program is limited to victims of trafficking who have provided verification of the T-Visa application and must have a formal application within one year of the medical assistance application date.

The Refugee Medical Assistance Program is for refugees who have been in the country for fewer than eight months and is purported to help refugees become self-sufficient as quickly as possible.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

According to the Ohio Department of Medicaid members are eligible to receive most general behavioral health services such as psychological testing, mental health assessment, crisis intervention, and partial hospitalization. However pharmacological management applies to adults only. It is unclear exactly what if any pharmacological assistance could be used with minors however Ohio law 5122.04 which decrees that minors 14 of age or older can receive mental health services with the consent of a guardian excludes the use of medication.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

The current climate is not favorable towards LGBTQ youth. House Bill 68, known as the Ohio Saving Adolescents from Experimentation (SAFE) Act passed and moved to the republican controlled Ohio Senate on 6-21-23 for further review. This bill bans gender-affirming care for minors as well as prohibits transgender girls in sports. Under the bill, doctors would be banned from performing surgeries or prescribing hormones or puberty blockers to treat gender dysphoria regardless of parental consent. It would also prohibit healthcare providers from helping patients get gender affirming care in other states. Medicaid would only cover costs for the exemptions to gender transition services and for mental health services for a gender-related condition. It is uncertain what the Senate will decide.

There is also no statewide law in Ohio that protects LGBTQ people from discrimination. The Ohio legislature has been voting down LGBTQ nondiscrimination bills for the past twenty years. Most recently SB 132 was introduced to the Senate on June 29, 2023, which is the 11th time this act has been brought to the legislature. This bill has not been assigned to a committee. Due to the absence of statewide protections, some cities and counties in Ohio have passed comprehensive protections, banning any LGBTQ discrimination.

Oklahoma

Age or Other Limitations

Is there an age range for consent?

Generally, yes. A minor must be 16 years of age (*Okla. Stat. tit. 43A § 5-502*) or older to consent to treatment unless certain conditions apply.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

A minor who fits any of the following categories (the “Youth Medical Exceptions”) may consent to medical treatment at any age:

- Any minor who is married, has a dependent child or is emancipated;
- Any minor who is separated from his parents or legal guardian for whatever reason and is not supported by his parents or guardian;
- Any minor who is or has been pregnant, afflicted with any reportable communicable disease, drug and substance abuse or abusive use of alcohol; provided, however, that such self-consent only applies to the prevention, diagnosis and treatment of those conditions specified in this section. Any health professional who accepts the responsibility of providing such health services also assumes the obligation to provide counseling for the minor by a health professional. If the minor is found not to be pregnant nor suffering from a communicable disease nor drug or substance abuse nor

abusive use of alcohol, the health professional shall not reveal any information whatsoever to the spouse, parent or legal guardian, without the consent of the minor;

- Any minor parent as to his child;
- Any spouse of a minor when the minor is unable to give consent by reason of physical or mental incapacity;
- Any minor who by reason of physical or mental capacity cannot give consent and has no known relatives or legal guardian, if two physicians agree on the health service to be given;
- Any minor in need of emergency services for conditions which will endanger his health or life if delay would result by obtaining consent from his spouse, parent or legal guardian; provided, however, that the prescribing of any medicine or device for the prevention of pregnancy shall not be considered such an emergency service; or
- Any minor who is the victim of sexual assault; provided, however, that such self-consent only applies to a forensic medical examination by a qualified licensed health care professional. (*Okla. Stat. tit. 63 § 2602*).

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

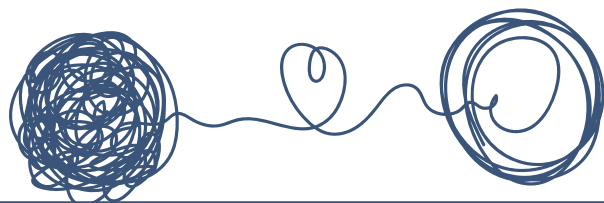
Yes. Apart from the limitations set forth

in this section, see below regarding the current ban on the use of any medications or surgical procedures for the purpose of gender transition.

For minors without any of the Youth Medical Exceptions (i.e. those qualifying to consent on the basis of *Okla. Stat. tit. 43A § 5-502*, there are no clearly defined limitations.

For minors with one or more Youth Medical Exceptions (i.e. those qualifying to consent on the basis of *Okla. Stat. tit. 43A § 2602*), the following limitations apply:

- If a minor's medical consent right arises out of him or her being pregnant, afflicted with any reportable communicable disease, drug and substance abuse or abusive use of alcohol, such minor's self-consent only applies to the prevention, diagnosis and treatment of those conditions specified in this section (i.e. those other than research or experimentation, except where used in an attempt to preserve the life of such minor or research approved by an appropriate review board involved in the management of reportable diseases). See *Okla. Stat. tit. 43A §2602(A)(3)*.
- If a minor's medical consent right arises out of his or her being the victim of sexual assault, such self-consent only applies to a forensic medical examination by a qualified licensed health care professional. See *Okla. Stat. tit. 43A §2602(A)(8)*.



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

In Oklahoma, the Children's Health Insurance Program (CHIP) and Medicaid operate as a combined program, SoonerCare.

The application says: "We need one adult in the family to be the contact person for your application."

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes -- the Oklahoma Medicaid Expansion Initiative expanded Medicaid eligibility to adults ages 19-64 whose income is 138% (133% with a 5% disregard) of the federal poverty level or lower. This equates to an estimated annual income of \$17,796 for an individual or \$36,588 for a family of four.

Are there any programs for undocumented youth?

None found.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

SoonerCare purports to provide coverage for (1) services to help with general mental health issues like depression and anxiety, (2) medication-assisted treatment services, (3) mental and behavioral health inpatient services, (4) mental

and behavioral health outpatient services, (5) psychiatric residential treatment facilities, (6) detox and residential substance use and disorder services and (7) substance use disorder outpatient services.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

On May 1, 2023, the Oklahoma Governor signed a bill into law that bars health care professionals from providing gender transition care to those under the age of 18 in the form of surgeries, puberty blocking medication and hormone treatments. A health care provider accused of violating the new law could face felony charges, license revocation and civil actions which can be filed by a parent or guardian or by the child when they reach age 18.



Oregon

Age or Other Limitations

Is there an age range for consent?

A minor who is 14 years or older may access outpatient mental health, drug treatment, or alcohol treatment (excluding methadone) without parental consent. These services may include: (1) seeking help from a psychiatrist/psychologist; (2) seeking mental health therapy from a doctor and social worker; and (3) seeking help for drug or alcohol use. *Or. Rev. Stat. § 109.675(1).*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No – Any minor who is 14 or older may access mental health treatment.

While Oregon has statutes addressing services to homeless youth, *Or. Rev. Stat. §§ 417.799-417.801*, the statutes do not address consent of homeless youth. As a result, Oregon law does not mandate that consent is conditional on the status of the youth.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes – a youth must obtain consent for the treatment of methadone. Note that the person providing treatment (known as the provider) shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, which shall

be documented in the treatment record. *Or. Rev. Stat. § 109.675(2).* A provider does not need to involve the minor's parents if the minor has been sexually abused by the parent(s) or has been living apart from the minor's parents or legal guardian for a period of 90 days. *Or. Rev. Stat. § 109.675(2)(a)-(b).*

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes – Oregon Health Plan (OHP) is open to all children and teens younger than 19, regardless of immigration status who meet who meet income thresholds and reside in Oregon.

To see if a minor qualifies use the following [link](#). Oregon also has a [webpage](#) dedicated to answering questions on whether someone can qualify for the OHP.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

OHP is open to qualifying individuals regardless of age or immigration status. (See [Healthier Oregon](#).)

Are there any programs for undocumented youth?

Yes – OHP is available to all children and Teens younger than 19 regardless of immigration status. ([Oregon Health Plan](#).)

Coverage

What do the state insurance programs actually cover re: mental health treatment?

OHP covers the following services:
(Available at [OHP Benefits](#).)

- Behavior health care, including mental health care services (therapy, medication management, residential treatment)
- All services needed for health and development, including screening visits and health exams, doctor visits due to illness, and follow-up care
- Home health care, including physical, occupational, and speech therapy services
- Hospital care, including emergency treatment, inpatient care, and outpatient care
- Medical transportation, including ambulance services and rides to doctor appointments
- Physical health care, including routine checkups and vaccines
- Physical, occupational, and speech therapy, including up to 30 visits per year to restore skills lost due to illness, injury, or disability
- Pregnancy care, including prenatal checkups
- Prescriptions
- Family planning, including access to birth control and abortions
- Telehealth
- Gender affirming services, including hormone therapy, counseling, and some surgeries

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Not likely. The OHP, which is open to minors and other regardless of immigration status, provides access to and covers gender affirming services, including hormone therapy, counseling, and some surgeries.

The state of Oregon also has established the Office of Inclusion and Intercultural Relations (OIIR), which provides information, including information on medical guidelines, for LGBTQ youth. OIIR contact is Hayden Campos available at:

hayden.campos@oya.oregon.gov
or by phone at: **(503)-580-7944**



Pennsylvania

Age or Other Limitations

Is there an age range for consent (e.g., only 16-17 yo)?

Children aged 14 years or older can consent to voluntary inpatient mental health treatment or outpatient mental health treatment without the consent of the child's parent or legal guardian. 35 Pa. Cons. Stat. § 10101.1(a)(2).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Consent is not conditioned on status.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Generally, no.

The law defines inpatient treatment as “all mental health treatment that requires full-time or part-time residence in a facility that provides mental health treatment.” 35 Pa. Cons. Stat. § 10101.1(b).

It further defines mental health treatment as “a course of treatment, including evaluation, diagnosis, therapy and rehabilitation, designed and administered to alleviate an individual's pain and distress and to maximize the probability of recovery from mental illness. The term also includes care and other services which supplement treatment and aid or promote recovery.” *Id.*

Further, a parent or a legal guardian

cannot abrogate consent given by the minor on the minor's own behalf. 35 Pa. Cons. Stat. § 10101.1(a)(3).

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

In PA anyone can go to www.compass.state.pa.us to sign up for Medicaid or CHIP. They can sign up on their own but will need information about the household income, if any, and need to know of anyone claims them on their taxes. Both coverages cover mental health counseling. It does not explicitly say a youth can apply on their own but also no prohibition against it.

Any adult, relative or caseworker can go on to apply for the individual but would need the household income information to complete the application.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

PA has expanded their Medicare eligibility called HealthyPA but they must be legal residents of PA and prove their stated income.

Are there any programs for undocumented youth?

Refugees and Asylees are qualified immigrants and pregnant women and children under 21 are exempt from the

5 year ban that immigrants must wait before receiving some Medicaid benefits.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The chosen Pennsylvania managed care program is called HealthChoices. They offer three types of programs: Behavioral HealthChoice, Community HealthChoices and Physical HealthChoices.

Behavioral HealthChoices would cover, mental health and drug/alcohol services. For these services, each county has contracts w/ MCOs. Each county must ensure quality care and timely access.

Community HealthChoices would cover services for older Pennsylvanians/ individuals with physical disabilities to remain in their homes. Assistance with personal tasks will be covered through this program.

Physical HealthChoices provides quality medical care/timely access to all physical health services, whether inpatient or outpatient.

Resource used: [HealthChoices \(default\)_\(pa.gov\)](https://www.healthchoices.pa.gov/).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

It does not appear that there are any laws in the state of Pennsylvania that would adversely affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment.

Here are several resources regarding healthcare and non-discrimination for trans youth in general:

- [Search | ACLU Pennsylvania \(aclupa.org\)](https://www.aclupa.org/).
- [Executive Order 2022-02 – Protecting Pennsylvanians from Conversion Therapy and Supporting LGBTQIA+ Pennsylvanians \(pa.gov\)](https://www.pa.gov/government/press-releases/2022/02/protecting-pennsylvanians-from-conversion-therapy).
- [Microsoft Word - LGBTQI Bulletin Non-Discrimination.doc \(pa.gov\)](https://www.pa.gov/government/press-releases/2022/02/microsoft-word-lgbtqi-bulletin-non-discrimination.doc).
- [Microsoft Word - LGBTQI Bulletin Guidelines.doc \(pa.gov\)](https://www.pa.gov/government/press-releases/2022/02/microsoft-word-lgbtqi-bulletin-guidelines.doc).



Rhode Island

Age or Other Limitations

Is there an age range for consent?

Medical consent in Rhode Island is codified in Section 23-4.6-1 of the Rhode Island Statute. Any individual that is 16 or older, any married person (regardless of their age) and any minor who is pregnant and such consent, subject to certain exceptions, is related to prenatal, delivery or post-delivery care, may consent to routine, emergency, medical or surgical care. *R.I. Gen. Laws Section 23-4.6-1 (a).*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No. Any individual that meets the enumerated criteria can consent to and access medical treatment.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Medical consent is not limited for individuals who are sixteen or older or individuals who are married.

Medical consent is limited to medical, dental, health, and hospital services relating to prenatal, delivery, and post-delivery care (other than abortion or sterilization, which is cannot be consented to under this statute) for pregnant women who are under the age of sixteen and unmarried. *R.I. Gen. Laws Section 23-4.6-1(b).* However, there are no such limitations on the consent (inpatient, outpatient, therapy, medication) as long as it relates to

prenatal, delivery and post-delivery care. Notwithstanding the statutory legislation, Rhode Island case law has held that there is an emergency standard exception to providing *informed* consent and that legal and medical competence are two different standards. (*Miller v. Rhode Island Hosp.*) In such decision, the court held that in cases of a true emergency, the “physician should...attempt to secure a relative’s consent if possible. But if time is too short to accommodate discussion, obviously the physician should proceed with the treatment.” It is unclear if this case would extend to consent generally or if it solely relates to informed consent which would be a secondary factor after securing consent. *Id.*

Miller v. Rhode Island establishes the test for determining mental capacity to “**consent** to medical treatment” citing that such test is “whether the patient has sufficient mind to reasonably understand the condition, the nature and effect of the proposed treatment, [and the] attendant risks in pursuing the treatment, and not pursuing the treatment.” *Id.*

Although what is considered a “genuine emergency” is based on subjective circumstances, it is likely that consent acquired under the emergency exception would be extremely limited, evaluated on a case-by-case basis and would be limited to medical treatment under which circumstances posed a risk of imminent death or seriously bodily harm.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes, children up to age 19 with income up to 261 percent of the Federal Poverty Level are eligible for medical coverage under Rite Care, Rhode Island's Medicaid managed care program. To apply online, you can create an account or login using the embedded link. However, it is not clear if children can apply on their own and the application is extremely complex.

If you need help, please call the DHS Call Center at 1-855-697-4347.

To apply in person, go to a Department of Human Services (DHS) Office located within the state or HealthSource RI.

You can also print a DHS-2 Application, fill it out and mail it.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, Medicaid is available to low-income adults.

To qualify, an individual must be:

- A Rhode Island resident between the ages of 19 and 64,
- A citizen of the United States or a legally present non-citizen who has been in the US for five years or meets certain exemptions,
- Not pregnant,
- Not eligible for other Medicaid Programs or Medicare Part

A or Part B; and

- Meet the income criteria: equal to or below 133 percent of the Federal Poverty Level (FPL).

You can apply online at <https://healthsourceri.com/how-to-enroll/>.

Additionally, you can apply at your local Department of Human Services office or by calling HealthSource RI at 1-855-840-4775.

Are there any programs for undocumented youth?

Yes, under the Cover All Kids legislation, children up to age 19 and who are not authorized to live in the United States are eligible for health insurance under the state's Rite Track Program. (2022-S 2187 and 2022-H 7484). Children must also have family income levels up to 250% of the federal poverty levels. *Rhode Island Gen. Laws Section 42-35*.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Rite Care includes three participating health plans—Neighborhood Health Plan of Rhode Island, UnitedHealthcare Community Plan, and Tufts Health Plan.

NEIGHBORHOOD HEALTH PLAN OF RHODE ISLAND

Behavioral health services—coverage includes community-based mental health and substance use counseling and treatment services.

Behavioral Health and Substance Use Disorder treatment includes but is not limited to the following: community-based narcotic treatment, methadone, detoxification, emergency services intervention, observation and crisis stabilization, acute inpatient services, acute residential treatment, partial hospital programs, mental health psychiatric rehabilitation residences (MHPRR), day programs, intensive outpatient treatment programs, assertive community treatment (ACT), integrated health homes (IHH), community mental health center services, home-based treatment services (HBTS), applied behavior analysis (ABA), personal assistance services and supports (PASS) and respite. Residential treatment does not include room and board. Services also include administratively necessary days ordered by the Department of Children, Youth and Families. (Neighborhood Health Plan of Rhode Island Medicaid Model Handbook page 15)

UNITED HEALTHCARE COMMUNITY PLAN

Mental Health (inpatient and outpatient). Covered. Member may self-refer for outpatient services to a network provider. Includes day and residential treatment. Requires prior authorization from Optum Behavioral Health at 1-800-435-7486. Butler Hospital may be used for services. (UnitedHealthcare Rite Care Covered Benefits Plan Document)

TUFTS HEALTH PLAN

Behavioral health services include mental health. (Tufts Health Plan Member Handbook page 16)

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

There does not appear any criteria that would negatively affect LGBTQ youth in accessing mental health treatment.



South Carolina

Age or Other Limitations

Is there an age range for consent?

In South Carolina, minors who are 16 years old or older do not need their parent's consent to receive any healthcare services that do not require an operation. SC Code § 63-5-340. Minors 16 years old or older can consent to an operation if it is essential to their health or life in the opinion of the performing physician and a consultant physician if one is available. SC Code § 63-5-340.

In South Carolina, minors under 16 years old do not need their parent's consent to receive health services of any kind when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary. SC Code § 63-5-350. Minors under 16 years old can consent to an operation only if it is essential to their health or life in the opinion of the performing physician and a consultant physician if one is available. SC Code § 63-5-350.

Under these laws, some of the services minors under 18 years old may consent to without parent or guardian consent includes:

- Pregnancy testing and prenatal care, other than abortion
- Family planning and contraceptive care
- STI testing and treatment
- HIV/AIDS testing and treatment
- PrEP for HIV prevention for minors age 16+

- Treatment for substance abuse
- Outpatient mental health services
- Emergency care if:
 - the proposed surgical or medical treatment is reasonably necessary (according to competent medical judgment)
 - a person authorized to consent is not readily available and
 - any delay in treatment would jeopardize the minor's life or health

Is consent conditional on the status of a youth (e.g., only homeless youth)?

A minor in South Carolina can also consent to healthcare services without a parent or guardian based on status if they are married (SC Code § 63-5-330) and possibly if they are serving in the military or legally emancipated.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

As stated above, the only limitation on consent of minors who are 16 years old or older is for operations, which must be essential to their health or life in the opinion of the performing physician and a consultant physician if one is available. SC Code § 63-5-340. For minors under 16 years old, consent is limited to non-operation "services deemed necessary" in the judgment of a person authorized by law to render a particular health service and similarly operations that are essential to their health or life in the opinion of the performing physician and a consultant

physician if one is available. SC Code § 63-5-350.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Youth can apply for CHIP through the South Carolina Department of Health and Human Services. But the application does say that one adult in the family is needed to be the contact person. The name of the program is Healthy Connections. Youth are eligible until their 19th birthday, or until their 26th birthday if they were formerly in foster care. The application is easily accessible online:

<https://apply.scdhhs.gov/CitizenPortal/apply>.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

South Carolina has not expanded Medicaid. Former foster youth (up to the age of 26) are eligible for Medicaid; coverage is also available if one is pregnant and/or disabled.

Eligibility: Online application is encouraged if one is unsure about eligibility:

<https://www.scdhhs.gov/members/program-eligibility-and-income-limits>

SC Code § 44-6-155 (C)

Are there any programs for undocumented youth?

In general, no. Non-citizens may qualify

for coverage for emergencies and labor and delivery services if income requirements are met. Non-profit organizations such as: <https://healthfundforchildren.org/need-help> may be able to provide assistance.

<https://www.scdhhs.gov/members/faqs>

Coverage

What do the state insurance programs actually cover re: mental health treatment?

The South Carolina State Department of Mental Health administers federal funds for mental health allotted to South Carolina under the National Mental Health Act. SC Code § 44-9-70. South Carolina State Department of Mental Health also administers minimum standards and requirements for mental health clinics in order to be provided grants-in-aid under the provisions of the National Mental Health Act. SC Code § 44-9-70. Additionally, it appears that Medicaid, CHIP, Medicare, Veterans Affairs (VA) Health Care, or private insurance can be used as resources for mental health treatment.

(<https://www.samhsa.gov/find-help>).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

The state does not ban conversion

therapy and there is now a ban on best practice medical care for transgender youth under 18. See HB4624 (May 2024, effective immediately). The law allows minors who have a hormone prescription prior to August 1, 2024, to continue that prescription but only through January 31, 2025. Medical providers are expected to “systematically reduce” the prescription over that time period.



South Dakota

Age or Other Limitations

Is there an age range for consent ?

S.D. Codified Laws § 26-1-1: Persons under the age of 18 are considered minors in the State of South Dakota.

S.D. Codified Laws § 25-5-24: Persons under the age of 18 are consider an emancipated minor if:

- 1.Has entered into a valid marriage; where or not the marriage is terminated by dissolution;
- 2.Is on active duty with any of the armed forced of the USA; or
- 3.Received declaration of emancipation under *S.D. Codified Laws § 25-5-26*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, but a minor who is autonomous and at least 16 years old can petition the court for emancipation.

S.D. Codified Laws § 26-1-3: A minor may seek guardianship (healthcare decisions) or conservatorship (financial decisions) to help enforce their rights as if they were an adult. However, the guardian or conservator must be appointed by the courts.

S.D. Codified Laws § 25-5-26:

A minor may petition the court for emancipation. The petition must specify the following: The person is at least 16 years old; Willing to live apart from parents or guardian with their consent or acquiescence; Managing their own financial affairs; Income is not derived from criminal activity.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

J Child Adless Subst Abuse. 2015; 24(3): 166–176: Nationwide research published in the Journal of Child and Adolescent Substance Abuse found the following regarding parental and adolescent decision-making for substance abuse and mental health inpatient and outpatient treatment.

- 1.Inpatient Drug Treatment: Either a parent or minor may consent
- 2.Outpatient Drug Treatment: Either a parent or minor may consent
- 3.Inpatient Mental Health Treatment: Consent from both the parents and minors 16 years of age and older
- 4.Outpatient Mental Health Treatment: Consent from both the parents and minors 16 years of age and older

Pediatrics (2022) 149 (6): e2021053458. The American Academy of Pediatrics conducted state-by-state research on the ability of minors to consent for medical services. The research found the following regarding the State of South Dakota:

- General Medical Care: If a minor is married or emancipated
- Sexual Assault Evaluation: If a minor is at least 16 years old

S.D. Codified Laws § 20-9-4.2: Licensed physician can treat a minor before

consent of the parent if delay of treatment would threaten the minor's health or life. The physician and/or treating facility are free from liability for the treatment.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, but a minor who is autonomous and at least 16 years old can petition the court for emancipation.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

No, a minor under age 18 cannot apply for medical coverage unless they are emancipated by the court, or have a court recognized guardian who can apply for them.

Department of Social Services (sd.gov).
(Medicaid Eligibility):

- Adults, ages 19 to 64, meeting the income limits and other general eligibility requirements may be eligible for free or low-cost South Dakota Medicaid.
- Children under the age of 19 and residents of South Dakota are eligible for CHIP. It is unclear if a minor is eligible to apply on their own behalf.
- The Former Foster Care Medical Program provides extended medical coverage for youth aged 18 to 26 that are leaving State or Tribal foster care after their 18th birthday.
- The youth must have been in foster care under the responsibility of the State of South Dakota or another state or with Tribal CPS on his/her 18th birthday.

- Children under the age of 19 and residents of South Dakota are eligible for CHIP. It is unclear if a minor is eligible to apply on their own behalf.
- The Former Foster Care Medical Program provides extended medical coverage for youth aged 18 to 26 that are leaving State or Tribal foster care after their 18th birthday.
 - The youth must have been in foster care under the responsibility of the State of South Dakota or another state or with Tribal CPS on his/her 18th birthday.
 - The youth must be a resident of South Dakota.
 - There is no resource or income limit if the youth aged out of South Dakota (state or tribal) foster care.
 - Eligibility continues from the month the youth is no longer under the responsibility of the State or Tribe until the end of the month in which the youth attain age 26 if s/he meets all other eligibility requirements.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

healthinsurance.org: In 2022 voters in South Dakota voted to approve Medicaid eligibility expansion in the state effective July 1, 2023. Eligibility was expanded to individuals under the age of 65 with incomes at or below 133% of the federal poverty level.



Are there any programs for undocumented youth?

Refugee Medical Assistance: The Refugee Medical Assistance (RMA) program was established to provide health care to refugees in need who do not meet qualifications for any other health care programs. RMA is a short-term, federally funded transitional program available to ensure refugees receive the medical care they need while they transition to live in the United States. RMA is available for twelve months from month of entry into the United States to refugees who meet the eligibility criteria, including income and resource requirements.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

MedicalAssistanceRecipientHdbk.pdf
(sd.gov)

- Behavioral Health: Therapy for individuals with mental illness is covered. Services are limited to 40 hours of therapy in a plan year starting July 1 and ending June 30. The diagnosed individual must be present for services to be covered. Community mental health center services are also covered. For adults with serious mental illness and adolescents with serious emotional disturbance, Community Mental Health Centers are able to provide specialized outpatient services.
- Substance Abuse Disorders: Treatment for substance use disorder such as a drug or alcohol problem is covered. Covered services include screenings and

assessments and outpatient and inpatient treatment services. Substance use disorder treatment is covered for all Medicaid recipients that need the service.

Department of Social Services (sd.gov)
(Behavioral Health Services):

- Division of Behavioral Health Services-contracts with eleven accredited community mental health centers for adults and youth.
- Home - Helpline Center: One can call 988 to access a suicide and crisis lifeline. They can call 211 to find overall help including local Mental Health services. There is no age restriction on who can call the crisis hotline.
- The Department of Social Services website also has a page dedicated to behavioral health services that provides further information on where to seek support. However, it is cumbersome to dig through the information.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

HB 1080 On February 14, 2023, the governor signed HB 1080 which amended South Dakota Codified Law, Chapter 34, Section 24-34, to prohibit a healthcare professional from knowingly prescribing or performing the following for the purpose of attempting to alter the appearance of or to validate a minor's perception of their sex, if that appearance or perception is inconsistent with the minor's sex:

- Prescribe or administer any drug to delay or stop normal puberty;
- Prescribe or administer testosterone, estrogen, or progesterone, in amounts greater than would normally be produced endogenously in a healthy individual of the same age and sex;
- Perform any sterilizing surgery, including castration, hysterectomy, oophorectomy, orchiectomy, penectomy, and vasectomy;
- Perform any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's sex, including metoidioplasty, phalloplasty, and vaginoplasty; or
- Remove any healthy or non-diseased body part or tissue.

For violating this act a provider is at risk for having their license or certificate by the state medical board.



Tennessee

Age or Other Limitations

Is there an age range for consent ?

Yes. Those sixteen years and older may consent to mental health services. See *Tenn. Code Ann. § 33-8-202*:

“(a) If a child with serious emotional disturbance or mental illness is sixteen (16) years of age or older, the child has the same rights as an adult with respect to outpatient and inpatient mental health treatment, medication decisions, confidential information, and participation in conflict resolution procedures under this title except as provided in part 3 of this chapter, or as otherwise expressly provided in this title. If the child's parent, legal guardian, legal custodian, or treating professional believes that the child's decision to terminate treatment, other than a request for discharge under chapter 6, part 2 of this title, will have severe adverse effects on the child, the conflict resolution procedures under chapter 2, part 6 of this title shall be used. (b) An outpatient facility or professional may provide treatment and rehabilitation without obtaining the consent of the child's parent, legal guardian, or legal custodian.”

Children that are between seven and eighteen years old must otherwise meet the conditions in accordance with the applicable limited exceptions above. Children below the age of seven lack capacity and cannot be treated without parental consent or a much more limited statutory exception.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

For Section 33-8-202 to apply, the 16- or 17-year-old child must have a serious emotional disturbance or mental illness, though this seemingly applies in most situations where individuals are seeking mental health treatment. For the remaining exceptions, there are no explicit conditions other than those stated.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

In each case, the given consent must be informed consent, defined as “consent voluntarily given in writing after sufficient explanation and disclosure of the subject matter involved to enable the person whose consent is sought to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion. Informed consent for psychotropic medication can be obtained from a person who is capable of understanding after adequate explanation a medication’s expected benefits, possible risks and side effect, the advantage and risk or alternative treatments, and the prognosis if medication is not given.” *Tenn. Comp. R. & Regs. 0940-1-1-.02(i)*).

Assuming the relevant conditions have been met such that a child is able to

legally give informed consent, there are no identifiable limitations on the type of mental health treatment being consented to other than those described below.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Youth can apply for medical coverage that includes mental health treatment without an adult through the Tennessee Department of Mental Health and Substance Abuse Services' Behavioral Health Safety Net of Tennessee insurance program ("BHSN"). One of the forms available is the No Income and/or Homeless Declaration Statement Form. However, to qualify for the BHSN program, the child must be determined to be ineligible for TennCare or have completed a TennCare application, be between the ages of 3 and 17 years old, have a qualifying mental health diagnosis, be a Tennessee resident, be a U.S. citizen or qualified alien, not be in a long-term in-patient or residential facility, and may not be in state legal custody.

The BHSN program provides essential outpatient mental health services, with an emphasis on connecting children to more robust mental health payors like TennCare or CoverKids. There are still costs associated with services, just at heavily discounted prices.

Another program is the TennCare (CoverKids) program. The child must be under 19 years old, be a Tennessee

resident, not be eligible for or enrolled in TennCare, be a U.S. citizen, and the child's household income must be at or below 250% of the federal poverty level. However, a custodial parent must apply for the program on behalf of the child.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

TennCare Medicaid is available to children under the age of 21, those who get a Supplemental Security Income check, and those who have gotten both a Supplemental Security Income check and Social Security check in the same month since April of 1977.

CoverRx is designed to assist those without pharmacy coverage but need medication. This prescription drug program also includes mental health medications, and over 200 generic medications. CoverRx is not health insurance, and is only be available to those eighteen and older with incomes at or below 138% of the federal poverty level are eligible for CoverRx benefits.

Are there any programs for undocumented youth?

Non-citizens may qualify for BHSN if they are (a) a non-United States citizen residing in Tennessee who is a Permanent Resident of the United States, or asylee, or refugee, or (b) a non-United States citizen residing in Tennessee on a conditional visa as defined by state and federal laws. The non-citizen must have a qualifying primary mental health diagnosis, be three to seventeen years of age, may not be in an in-patient facility such as

an inpatient psychiatric hospital or nursing home, and may not be in State legal custody. The non-citizen must also be determined ineligible for TennCare or have completed a TennCare application. (The BHSN Provider Manual; page 10; attached as Exhibit B.)

Qualified non-citizens are eligible for TennCare Medicaid and CoverKids. To be eligible, the undocumented youth must be (a) a qualified non-citizen, as defined by Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 at 8 USC 1641, (b) an American Indian born outside of the U.S., or (c) a non-citizen who has been granted a certain humanitarian status.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

To be covered by TennCare, a service must be considered “Medically Necessary”, as defined in *Tenn. Code Ann. § 71-5-144*. To summarize, the service must be recommended by a physician within the scope of their license, required to diagnose or treat a condition (rather than convenient), be safe and effective, be the least costly alternative, and may not be experimental. TennCare determines whether the standard has been met, not the treating physician. (Tenn. Code Ann. § 71-5-144 (2021))

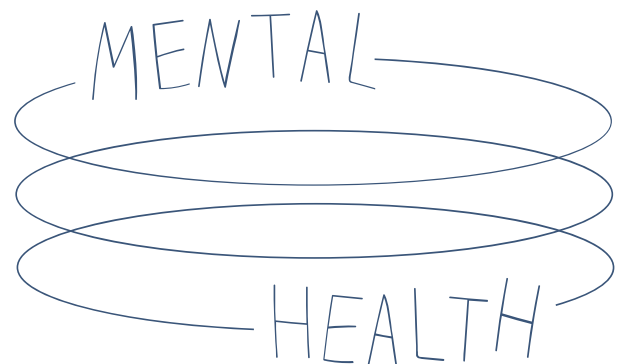
- If Medically Necessary, TennCare will cover all of the following:

- behavioral health crisis services (including mental health, alcohol and drug abuse services)
- inpatient hospital services
- outpatient hospital and behavioral health services
- pharmacy services
- psychiatric inpatient and rehabilitation services
- support for qualifying children with disabilities or complex medical needs

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes. Tennessee law prohibits doctors from providing medical care such as puberty-blockers and gender affirming surgery for transgender minors. (United States Court of Appeals; No. 23-5600 (July 8, 2023)) This is affirming the Tennessee Senate Bill 1, which, in summary, prohibits medical procedures from being administered or performed on minors with the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex, or treat purported discomfort or distress from a discordance between the minor’s sex and asserted identity.



Texas

Age or Other Limitations

Is there an age range for consent?

Yes. 16 years or older. *Tex. Fam Code 32.003.*

For inpatient mental health treatment: A person age 16 or older, or a person younger than 16 who is or has been married, may give consent when requesting admission to an inpatient mental health facility by filing a request with the administrator of the facility. *Texas Health and Safety Code §572.001.*

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes. Pursuant to Section 32.003 of the Texas Family Code, a child may consent to psychological treatment by a licensed physician if the child:

- 1.is on active duty with the armed services of the United States of America;
- 2.is:
 - a.16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence; and
 - b.managing the child's own financial affairs, regardless of the source of the income.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

No.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It isn't clear and the information is not easy to find. A child in Texas would be considered a household of 1. Pursuant to this, the child's monthly income for Medicaid can be no higher than \$1,616, and for CHIP \$2,443.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, in some cases children with disabilities age 19 and 20 can get Medicaid.

Are there any programs for undocumented youth?

Undocumented youth fall under the Health and Human Services age requirements.

Most undocumented youth must meet two requirements to be eligible for full Medicaid and/or a Medicare Savings Program (MSP):

- the noncitizen must be in a "qualified alien" category (see [Section D-8300](#), Qualified Alien Categories); and
- meet an [LAPR](#) condition for qualified aliens (see [Section D-8400](#), LAPR Conditions for Medicaid).

“Qualified aliens” are potentially eligible for ongoing full Medicaid benefits and/or MSP. Non-qualified aliens are not eligible for ongoing Medicaid coverage however, may qualify for limited [Medicaid eligibility](#) for the treatment of an emergency medical condition only.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Mental Health Benefits include:

Evaluation

Diagnosis

Treatment: Individual therapy, group therapy, family therapy. Detoxification, medication management, and more.

- Psychotropic medications and pharmacological management of medications.
- Rehabilitative and targeted case management services for people with severe and persistent mental illness or children with severe emotional disturbance.
- Care and treatment of behavioral health condition as by a primary care provider.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Gov. [Greg Abbott](#) signed [Senate Bill 14](#) into law Friday, June 2, 2023, a bill that bars transgender kids from getting puberty blockers and hormone therapies. Despite ongoing legal challenges, the ban took effect on Sept. 1, 2023.



Utah

Age or Other Limitations

Is there an age range for consent ?

No, there is no specific age range for consent.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, minors who are legally emancipated; in active military service; married; or homeless, unaccompanied and over 15 can consent to their own medical care, as long as the medical care sought is not prohibited by law. *Utah Code §§ 78B-12-102 (7), 78B-3-406 (6).*

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Utah law does not speak to specific limitations on consent pertaining to those minors who fall into the exceptions identified above.

Outside those exceptions, a minor would have the ability to consent to medical treatment in a few narrow situations:

- 1.If the minor asserts they are afflicted with an STD (*Utah Code § 26-6-18*) or
- 2.In connection with a minor's pregnancy or childbirth (*Utah Code § 78B-3-406 (6)(f)*)

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Medicaid is available in Utah: and the application can be found here. Mental health services are provided through prepaid medical health plans. A minor does not have to reside with a relative to receive coverage.

CHIP is also available in Utah, and the application can be found here. Per the CHIP FAQs, mental health services are covered.

A child who is under 19 and is independent of a parent or legal guardian can apply for CHIP enrollment. "The eligibility agency may not require a child who is independent to have an authorized representative if the child can act on his own behalf; however, the eligibility agency may designate an authorized representative if the child needs a representative but cannot make a choice either in writing or orally in the presence of a witness." *Utah Admin. Code r. R382-10-3.*

There are different income thresholds for Medicaid and CHIP, which can be found here.

<https://takecareutah.org/> can help provide application assistance for Medicaid and CHIP.



Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, there are Medicaid programs in Utah available to those over 19. Medicaid was expanded in the state. The expansion extends eligibility to Utah adults whose annual income meets the requirements, which vary by household size (\$19,392 for an individual or \$39,900 for a family of four).

Utah's Targeted Adult Medicaid Program provides Medicaid coverage for adults (ages 19-64) without dependent children earning up to 5% of the federal poverty level (FPL) who are:

- Chronically homeless;
- Involved in the justice system through probation, parole, or court ordered treatment needing substance abuse or mental health treatment; or
- Needing substance abuse treatment or mental health treatment.

Utah's Medicaid Work Incentive (MWI) Program is a Medicaid program for persons who meet the Social Security criteria for disability and have earned income. The household income limit is 250% of the Federal Poverty Level.

There is also a "spenddown program" in Utah. Some people applying for Medicaid meet all conditions to qualify, except their monthly income is more than the Medicaid limit. In this case, the eligibility worker will determine if the person can qualify for the Medicaid Medically Needy program. Not all Medicaid programs allow spenddown.

To qualify for Medicaid, the person agrees to "spend down" his or her monthly income to the Medicaid income standard. The person has a choice of how to pay the amount above the Medicaid income limit. The person may choose to either pay "excess" monthly income to the state or to pay a medical provider for one or more medical bills.

Are there any programs for undocumented youth?

Refugees entering the United States are eligible to apply for Medicaid for eight months after their date of entry. Refugee Financial Assistance automatically provides Medicaid eligibility. Refugees who have a medical emergency and do not qualify for Medicaid may apply for the Emergency Medicaid Program.

The Emergency Medical Program for non-citizens covers only a specific range of emergency medical services for a life-threatening condition.

Eligible members are people who would qualify for another Medicaid program except for the requirement to be either a U.S. citizen or a legal, permanent resident. Neither U.S. citizenship nor a Social Security Number are required. However, applicants must be Utah residents. Coverage is limited to the month in which the medical emergency occurred.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Utah Medicaid offers mental health

services, including psychiatric diagnostic evaluation, mental health assessment by a non-mental health therapist, psychological testing, psychotherapy with patient, family psychotherapy with patient present and family psychotherapy without patient present, group psychotherapy, multiple family group psychotherapy, psychotherapy for crisis, psychotherapy with evaluation and management (E/M) services, evaluation and management (E/M) services (i.e., pharmacologic management), therapeutic behavioral services, psychosocial rehabilitative services, peer support services, SUD residential treatment, assertive community treatment (ACT) and assertive community outreach treatment (ACOT), mobile crisis outreach teams (MCOT), clinically managed residential withdrawal management, mental health residential treatment, and behavioral health receiving centers.

Services may be provided via telemedicine when clinically appropriate. Services must be provided in accordance with telemedicine policy contained in the Utah Medicaid Provider Manual, Section I: General Information. Utah also operates a behavioral health managed care plan under a federal freedom-of-choice waiver. This managed care plan is called the Prepaid Mental Health Plan (PMHP).

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

On January 29, 2023, Utah's governor signed SB 16 into law, which prohibits transgender surgery for youth and disallows hormone treatments for minors who were not diagnosed with gender dysphoria before the law's effective date.

Utah has a religious exemption that applies only to private individuals or adoption ("child-placing") agencies. While it allows those private agencies to refuse to serve individuals according to the agencies' religious beliefs, it also requires the agency to refer those individuals to other agencies. See SB 154 (2023).

Utah's state employee health plan has limitations for gender reassignment surgery. Specifically, "[g]ender reassignment Surgery requires preauthorization and may be excluded by Employer Group."



Vermont

Age or Other Limitations

Is there an age range for consent?

No, there is no age range for consent. The statute uses the word minor, but seems to anticipate mainly 14-18 year olds seeking out treatment.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No, there are no restrictions in the statute.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

The statute only speaks to outpatient treatment. It does not speak to inpatient treatment and specifically excludes prescription drugs. The statute also prohibits mental health care providers from using conversion therapy with a client younger than 18 years of age. 18 V.S.A. 8350.

“A minor may give consent to receive any legally authorized outpatient treatment from a mental health professional, as defined in section 7101 of this title. Consent under this section shall not be subject to disaffirmance due to minority of the person consenting. The consent of a parent or legal guardian shall not be necessary to authorize outpatient treatment. As used in this section, “outpatient treatment” means psychotherapy and other counseling

services that are supportive, but not prescription drugs.” 18 V.S.A. 8350.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

If a minor is part of Vermont’s Medicaid Qualified Health Plans (QHP), it will cover treatment for mental health, drug, or alcohol issues.

Minors are eligible for Medicaid for Children & Adults (MCA) through Dr. Dynasaur program. They are run by Vermont Health Connect, and offer free, or low-cost, health coverage for eligible children and teens up to age 19.

Although the program states that minors are eligible for these programs and they can be enrolled at any time during the year, the State of Vermont Medicaid and Dr. Dynasaur programs confirmed that a minor can only be enrolled in the program by a parent/guardian or if the minor is emancipated, they can enroll themselves. (1-855-899-9600)

Eligibility for Dr. Dynasaur program is as follows:

- A child under the age of 19 with household income below 312% FPL; or
- Pregnant with income below 208% FPL

Dr. Dynasaur for children under 19 may have a monthly premium up to \$60 per

household.

Medicaid for Former Foster Care Youth is free. It does not matter how much income you have. If the former foster youth is:

- a young adult under age 26 AND
- aged out of foster care in Vermont or another state.

Apply online at

www.VermontHealthConnect.gov.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Minors until the last day of their birthday month when they turn 19 can access the Dr. Dynasaur coverage. Thereafter they'd have to apply for the Adult Medicaid program in Vermont. The exception is given to Former Foster Care Youth which can continue on this care for free up to the age of 26.

Are there any programs for undocumented youth?

Act 48 (H.430) of 2021 created a new, state-funded health care program for pregnant individuals and children who have an immigration status for which Vermont Medicaid is not available. This program is called the Immigrant Health Insurance Plan (launched July 1, 2022).

Coverage

What do the state insurance programs actually cover re: mental health treatment?

If you're part of Vermont's Medicaid Qualified Health Plans (QHP), it will cover treatment for mental health, drug, or alcohol issues.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

The legislation was initially drafted to only allow minors to consent to mental health treatment for conditions related to the minor's "sexual orientation or gender identity." But after much feedback from healthcare professionals, it was expanded to include any mental health issue. Vermont law prohibits the use of conversion therapy with a client younger than 18 years of age. *18 V.S.A. 8352*.

Any conversion therapy used on a client younger than 18 years of age by a mental health care provider shall constitute unprofessional conduct. *18 V.S.A. 8353*.

Vermont Resources:

<https://www.pridecentervt.org/lgbtq-resources/>



Virginia

Age or Other Limitations

Is there an age range for consent?

See *Va. Code Ann. § 54.1-2969*, which provides instances wherein a minor may give consent to certain medical services. Pertinent sections provided herein:

“E. A minor shall be deemed an adult for the purpose of consenting to:

1. Medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the State Board of Health requires to be reported;
2. Medical or health services required in case of birth control, pregnancy or family planning except for the purposes of sexual sterilization;
3. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in §37.2-100; or
4. Medical or health services needed in the case of outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

A minor shall also be deemed an adult for the purpose of accessing or authorizing the disclosure of medical records related to subdivisions 1 through 4.

F. Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment.

G. A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment for her child.

H. Any minor 16 years of age or older may, with the consent of a parent or legal guardian, consent to donate blood and may donate blood if such minor meets donor eligibility requirements. However, parental consent to donate blood by any minor 17 years of age shall not be required if such minor receives no consideration for his blood donation and the procurer of the blood is a nonprofit, voluntary organization.”

See also Virginia law regarding emancipation of minors (*Va. Code Ann. § 16.1-331*):

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be

emancipated. The petition shall contain, in addition to the information required by §16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor. If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.”

Va. Code Ann. § 16.1-334

“An order that a minor is emancipated shall have the following effects:

1. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability;
2. The minor may enter into a binding contract or execute a will;
3. The minor may sue and be sued in his own name;
4. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian;
5. The minor may establish his own residence;
6. The minor may buy and sell real property;
7. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a juvenile curfew ordinance enacted by a local governing body;
8. The minor may enroll in any school or institution of higher education, without

parental consent;

9. The minor may secure a driver's license under §46.2-334 or §46.2-335 without parental consent;
10. The parents of the minor shall no longer be the guardians of the minor;
11. The parents of a minor shall be relieved of any obligations respecting his school attendance under Article 1 (§22.1-254 et seq.) of Chapter 14 of Title 22.1;
12. The parents shall be relieved of all obligation to support the minor;
13. The minor shall be emancipated for the purposes of parental liability for his acts;
14. The minor may execute releases in his own name;
15. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age 18; and
16. The minor may marry without parental, judicial, or other consent. The acts done when such order is or is purported to be in effect shall be valid notwithstanding any subsequent action terminating such order or a judicial determination that the order was void ab initio.”

Is consent conditional on the status of a youth (e.g., only homeless youth)?

In most instances under the law, consent is not conditioned on the status of the youth. See *Va. Code Ann. § 54.1-2969 (E)*.

However, certain rights of a minor to consent are conditioned on the minor being married or pregnant. See *Va. Code Ann. § 54.1-2969 (F) and (G)*.

And certain rights are conditioned on whether the minor is over the age of 16, and emancipated. *Va. Code Ann. § 16.1-334*.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

See above.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

A parent, guardian, authorized adult representative, or adult caretaker relative with whom the child lives must sign the application for a child under the age of 18. Children under the age of 18 cannot apply for themselves unless they are emancipated. However, if a child under the age of 18 has a child of their own, they, as the parent, can file an application for the child. You can designate an application counselor or navigator through CommonHelp to help you complete an application, but that person cannot sign the application for you.

For application information:

<https://coverva.dmas.virginia.gov/apply/apply-for-coverage/>

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Virginia authorized several major changes to its Medicaid program in 2018, including expanding coverage to additional adults living in poverty. Other program reforms include adding a work and community engagement requirement, health and wellness incentives, and employment and housing support for high need

populations. These three reforms became known as the COMPASS (Creating Opportunities for Medicaid Participants to Achieve Self-Sufficiency) waiver. The General Assembly directed JLARC to review several aspects of Medicaid expansion implementation:

- access to health care services for new Medicaid members;
- accuracy and timeliness of eligibility determinations;
- Medicaid enrollment and spending following expansion; and
- state and local readiness to implement the COMPASS waiver.

Medicaid is a joint federal and state program that provides health insurance and long-term care to low-income families, individuals 65 and older, and individuals with disabilities. States have the option to include all adults with low incomes in Medicaid (regardless of whether they are a parent) through the federal Patient Protection and Affordable Care Act.

Until recently, Virginia's Medicaid program did not cover low-income adults who were not parents, but Virginia authorized Medicaid expansion in 2018 to cover this population, with enrollment beginning on January 1, 2019. More than 300,000 individuals enrolled in Medicaid expansion through the first eight months.

www.dmas.virginia.gov

Are there any programs for undocumented youth?

Non-citizens who meet other eligibility requirements such as income and have an eligible immigration status may

qualify for free or low-cost health coverage from Virginia Medicaid. Children under age 19 and pregnant persons who are lawfully residing immigrants and meet other eligibility requirements may also qualify.

For application information:

<https://coverva.dmas.virginia.gov/apply/apply-for-coverage/>

Coverage

What do the state insurance programs actually cover re: mental health treatment?

If you're part of Virginia's Medicaid Managed Care program (MCO), it will cover most treatments for mental health, drug, or alcohol issues. Virginia Medicaid covers treatment to help members avoid a crisis, as well as services to support recovery.

Treatment options include outpatient and inpatient care, and medications shown by research to help people addicted to prescription drugs or other opioids.

Cardinal Care Medicaid health coverage offers many benefits and services. The complete list of benefits is located in the Member Handbook on your health plan's website, if you are a member. The following are just a few of the covered Medicaid services:

- Primary care when you are sick or injured
- Preventive care, well visits, and immunizations
- Emergency and urgent care

- Hospital services
- Long-term services and supports
- Prenatal and maternal services
- Addiction and recovery treatment services
- Mental health services
- X-ray and lab services
- Transportation to your health care appointments

In addition to the basic coverage, each health plan offers added benefits, such as hearing or vision benefits. You can also receive one free smartphone per household and free meal delivery after a hospital stay.

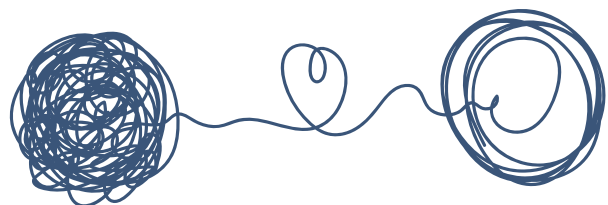
Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

There is no law that currently exists that would permit discrimination of this nature based on gender identity or sexual orientation. However, this is a proposed law that would limit mental health care for minors seeking gender transition procedures.

SB 960 Youth Health Protection Act:

“Youth Health Protection Act established; civil penalty. Creates the Youth Health Protection Act, which makes it unlawful for any individual to provide gender transition procedures for minors and prohibits the use of public funds for



gender transition procedures. The bill allows parents, guardians, or custodians to withhold consent for any treatment, activity, or mental health care services that are designed and intended to form their child's conceptions of sex and gender or to treat gender dysphoria or gender nonconformity. The bill prohibits government agents, other than law-enforcement personnel, from encouraging or coercing a minor to withhold information from the minor's parent. The bill establishes a duty for a government agent with knowledge that a minor has exhibited symptoms of gender dysphoria or gender nonconformity or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex to immediately notify each of the minor's parents, guardians, or custodians in writing, with descriptions of relevant circumstances. The bill prohibits discrimination against persons (i) providing information regarding violations of the Act to their employer or specified public entities or (ii) who make disclosures under the Act believed to be (a) any violation of law, rule, or regulation; (b) any violation of any standard of care or other ethical guidelines for the provision of health care service; or (c) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. The bill establishes a civil action for any violation of the Act by a clinic, health care system, medical professional, or other responsible person with a two-year statute of limitations. The bill prohibits political subdivisions of the Commonwealth from enacting, adopting, maintaining, or enforcing any

measure that interferes with the professional conduct and judgment of a mental health care professional or counselor undertaken within the course of treatment and communication with clients, patients, other persons, or the public. The bill provides for enforcement by the Attorney General or a mental health care professional or counselor through an action for injunctive relief and allows a mental health care professional to recover reasonable attorney fees and reasonable costs incurred in obtaining an injunction. The bill waives sovereign immunity to suit and immunity from liability under this provision of the bill.”

See also: SENATE BILL NO. 791 §32.1-377, which provides current laws regarding gender transformation procedures. This current law does not yet address aspects of mental health care:

“A physician or other health care professional shall not provide gender transition procedures to any individual younger than 18 years of age.”



Washington

Age or Other Limitations

Is there an age range for consent?

It depends. Individuals must be over the age of 18 to receive healthcare services without an authorized adult's permission. *Wash. Rev. Code § 26.28.010*. However, for substance abuse treatment programs and mental health treatment, an individual only needs to be over the age of 13 to consent to their own treatment. *Wash. Rev. Code §§ 71.34.500; 71.34.510; 71.34.530*. Additionally, individuals over the age of 14 can consent to tests for sexually transmitted infections. *Wash. Rev. Code § 70.24.110*.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Under the age of 18, an individual doesn't need an authorized adult's consent if they are married to an adult (*Wash. Rev. Code § 26.28.020*), are legally emancipated (*Wash. Rev. Code § 13.64*), are determined to be a "mature minor" by a healthcare provider (*Smith v. Seibly*, 72 Wn.2d 16, 21, 431 P.2d 719 (1967)), or are homeless (*Wash. Rev. Code § 7.70.065(3)*). Also, for homeless youth, a school nurse, school counselor, or homeless student liaison can serve as the authorized adult (*Wash. Rev. Code § 7.70.065*). An unaccompanied homeless youth who is not otherwise authorized to provide informed consent, and is unable to obtain informed consent from a school nurse, school counselor, or homeless student liaison, is authorized to provide

informed consent for non-emergency, outpatient, primary care services (SB 5883).

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

Yes. Minors over the age of 13 can only consent to substance abuse treatment and outpatient mental health treatment on their own. *Wash. Rev. Code § 71.34.500; 71.34.510; 71.34.530*). If a minor seeks inpatient mental health treatment, they can consent at the age of 13, but a parent must be notified unless there is a compelling reason to believe the disclosure would be detrimental. *Wash. Rev. Code § 71.34.500*.

Additionally, minors of any age can consent to general medical care if they are determined to be a "mature minor" whereby a physician determines they are capable of understanding and appreciating the consequences of a medical procedure. The minor's age, intelligence, maturity, training, experience, economic independence, conduct, and freedom from the control of parents are used to determine the maturity (*Smith v Seibly*, 72 Wn.2d 16 (1967)). If a minor, only mature minors can consent to gender affirming care.

For unaccompanied homeless youth, they can consent to general medical care on their own (SB 5883).

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes. Youth can apply through Apple Health using the following process:
<https://www.hca.wa.gov/assets/free-or-lowcost/homeless-teen-process.pdf>

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, they can through Apple Health.

See also:

- <https://www.hca.wa.gov/assets/free-or-low-cost/homeless-teen-process.pdf>
- <https://www.hca.wa.gov/assets/free-or-low-cost/19-023.pdf>

Are there any programs for undocumented youth?

Yes, if they have an annual household income at or below the Medicaid standard, are a US citizen or meet Medicaid immigration requirements, and are not entitled to Medicare.

Children (up to age 19) may qualify for Apple Health coverage regardless of their immigration status. The child may be eligible for Apple Health if they are a Washington resident, and the household income is at or below the Medicaid standard.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Acute/inpatient mental health care, state psychiatric hospitals, peer support, children's long-term mental health inpatient program, family-initiated treatment, youth substance use services, etc.

See also:

- <https://www.chpw.org/member-center/behavioral-health/>
- <https://www.chpw.org/about-chpw/our-clinics/>
- <https://chas.org/get-care/homeless-outreach/> <https://cdchc.org/>

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

When a minor seeking reproductive health or gender-affirming care seeks shelter at a licensed shelters or host home, the facilities can contact the state Department of Children, Youth, and Families instead of the minor's parents. The state will attempt to reunify the family if feasible. However, these minors may stay at host homes without parental permission (See WA SB 5599). Health care providers of gender affirming services cannot discriminate in the delivery of these services based on the individual's gender identity or expression. Also, a health insurance carrier cannot deny or limit coverage through cosmetic or blanket coverage bans for gender affirming treatment. Wash. Rev. Code § 74.09.675.



West Virginia

Age or Other Limitations

Is there an age range for consent?

In West Virginia, the general rule is that persons under eighteen years of age lack the legal capacity to give valid consent to medical treatment. However, youth can consent to treatment if 16 years old and emancipated or married.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No. As a general matter, there are no status-related limitations to the rule that individuals over 18, and emancipated or married individuals over 16, have the ability to consent to health care treatment. Conversely, there are no special rules that would confer a special right to consent on individuals who do not fall into one of those three categories, except in the following limited contexts related to mental health that are unrelated to the youth's own status:

1. Emergencies (See WV Code § 16-4C-17): “No emergency medical service personnel may be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical services to any individual regardless of age where the patient is unable to give his or her consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to consent to the providing of such care or who is legally authorized to refuse to consent to the

providing of such care: Limits liability for failure to obtain consent at the time of provision of emergency medical services.)

2. Addiction treatment (See WV Code §60A-5-504(e): “Notwithstanding any other provision of law, any licensed physician or competent medically trained person under his direction may examine, diagnose, and treat any minor at his or her request for any addiction to or dependency upon the use of a controlled substance as defined in article one of this chapter without the knowledge or consent of the minor's parent or guardian. Such physician and such other persons shall not incur any civil or criminal liability in connection therewith except for negligence or willful injury.”

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

As noted above, there appear to be only a few, limited contexts in which unemancipated minors can give consent for health care or medical treatment. Even within those contexts, there appear to be limitations on a minor's ability to keep their treatment confidential, as doing so would appear to depend on the cooperation of their provider in that regard. See WV Code § 16-29-1(b), which provides that health care providers are not required to release to parents or guardians records

relating to “diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease without prior written consent therefor from the patient”, but does not prohibit them from doing so.

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

There do not appear to be any restrictions on a minor applying for CHIP coverage in West Virginia. The CHIP website offers a link to a West Virginia Department of Health and Human Resources “[Application for Health Coverage & Help Paying Costs](#)” that can be used to apply for CHIP coverage; that application, on its face, can be filled out by anyone regardless of age, and nothing in the application suggests that if filled out by a minor, it must be co-signed by a parent or guardian.

There is one statement in the SPD suggesting that parental involvement may become necessary at certain stages of a child’s enrollment in the program. See SPD at 9 (“WVCHIP members are required to re-determine eligibility every 12 months. After 10 months of coverage with the WVCHIP, the child’s parent or guardian will receive a letter from their local DHHR office to re-determine eligibility. Promptly returning the application helps assure that the child will not have a gap in coverage.”). The WVCHIP

website links to an application for local DHHR office to re-determine eligibility.

The WVCHIP website links to an application for benefits. Among the information it provides is the following succinct summary of eligibility:

Who Is Eligible for WVCHIP?

- Reside in West Virginia
- Are under age 19
- Are not eligible for West Virginia Medicaid
- Income & family size fall within qualifying Income Guidelines
- Public Employees' children who meet the WVCHIP Eligibility Requirements
- Are United States citizens or qualified aliens (Children who are not U.S. citizens must provide verification of their alien status.)

[Application available here.](#)

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes, WV is an expansion State and young adults can apply via this website: <https://www.wvpath.wv.gov/>

Are there any programs for undocumented youth?

Immigrant children are eligible to apply for the West Virginia Children Health Insurance Program only if they obtained “legal immigrant” or “qualified alien status” for 5 consecutive years.

A person is considered a “legal immigrant” or “qualified alien” if they

are: Legally residing in the United States; a refugee, an asylee, a Cuban Haitian entrant, an alien whose deportation is being withheld by INS, an Amerasian immigrant, a child of a veteran or active-duty U.S. military serviceman, children certified by the Office of Refugee Resettlement (ORR) as Victims of Trafficking.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

According to the WV CHIP website, “Inpatient hospitalization, chemical dependency and substance abuse services; outpatient mental health, outpatient partial hospitalization day programs, chemical dependency and substance abuse services are covered when ordered by a licensed provider. Chronic or extreme medical conditions will be assigned to a case manager, and based on the condition; the nurse case manager may recommend continued visits. Coverage for services beyond 26 visits is not covered without medical necessity review and prior authorization.” The site also refers readers to additional details contained in the “What Is Covered Under the Plan?, Mental Health Services” section of the SPD.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Yes, House Bill 2007 passed and was signed by the Governor during the regular 2023 legislative session. This bill provides that allopathic and osteopathic physicians may not provide irreversible gender reassignment surgery or gender altering medication as defined herein to a person who is under eighteen years of age; and providing criteria for certain limited exceptions to this rule.



Wisconsin

Age or Other Limitations

Is there an age range for consent?

Yes. See below under Consent.

Is consent conditional on the status of a youth (e.g., only homeless youth)?

No.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

INPATIENT:

<14 years old: parent or guardian must consent to inpatient treatment of a minor.

≥14 years old: the minor and the minor's parent or guardian must consent to inpatient treatment of the minor, except that if the minor refuses inpatient treatment the parent or guardian may sign the admission application (consent to treatment) on the minor's behalf and petition the court for admission. The court must order the treatment. Wis. Stat. § 51.13

OUTPATIENT:

<14 years old: parent or guardian must consent to outpatient treatment of a minor.

≥14 years old: the minor and the minor's parent or guardian must consent to outpatient treatment of the minor, except that if the minor refuses

treatment the treatment director of the outpatient facility must file a petition for review of the informed consent on behalf of the minor. If the minor's parent/guardian does not consent to treatment of the minor, the minor may petition the county mental health officer for review of the informed consent of the parent/guardian.

Regardless of age, the treatment director of the outpatient facility may allow a minor to receive treatment (but not medication) for up to 30 days without first obtaining informed consent in emergency situations, but during the 30-day window the treatment facility director must either obtain consent of the minor's parent/guardian or file a petition to initiate review of outpatient treatment. Wis. Stat. § 51.14

EMERGENCY OUTPATIENT:

If any age minor wants to obtain emergency outpatient mental health treatment, but lacks parent or guardian consent, a treatment director of such facility may provide such services to such minor for 30 days without first obtaining informed consent if the criteria in Wis. Stat. § 51.138(2) are satisfied.

MEDICINE:

<14 years old: parent or guardian must consent to a medicine.

≥14 years old: the minor and the

minor's parent or guardian must consent, unless a court order related to outpatient treatment states otherwise. Wis. Admin. Code § DHS 94.09(2).

Additional sources: Client Rights: Minors | Wisconsin Department of Health Services

Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

Yes. Youth are non-financially eligible for BadgerCare Plus (applying in their own name) if they meet the following criterion:

1. are under 19 years of age and are not living with a parent, relative, or caretaker, or
2. aged 19-25 and as of their 18th birthday, were in out-of-home care, including foster care, court-ordered Kinship Care, and subsidized guardianship. The person did not have to be in foster care in Wisconsin when they were 18 years old to be eligible for this coverage group, BadgerCare Plus Handbook; Wis. Stat. § 49.47; see also <https://www.dhs.wisconsin.gov/badgercareplus/services.htm>

The application is available online at the Wisconsin Department of Health Services website: <https://www.dhs.wisconsin.gov/forms/f1/f10182.pdf>

An online questionnaire is also available to suggest other services that may be available such as food services: <https://access.wisconsin.gov/access/>

A child under the age of 19 cannot apply separately if they are living with a “caretaker relative” or parent. The parent or caretaker relative must apply. BadgerCare Plus Handbook.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

Yes. Adults ages 19-64 who are not receiving Medicare, except Medicare Part B Immunosuppressive Drug Benefit (Part B-ID), and who do not have dependent children who reside with them at least 40% of the time are eligible up to an income limit of 100% of the FPL. Premiums and copays may apply.

Parents of children under 18 and dependent 18 year olds, and pregnant women may also be eligible.

BadgerCare Plus Handbook.

Wisconsin Department of Health Services BadgerCare Waiver, Coverage of Adults Without Dependent Children with Income at or Below 100% of the Federal Poverty Level.

Are there any programs for undocumented youth?

Immigrants who are not a qualifying immigrant nor lawfully present (for example, someone with a status of DACA) and who apply for BadgerCare Plus and meet all eligibility requirements except for citizenship and immigration status may be entitled to receive BadgerCare Plus Emergency Services only. BadgerCare Plus Handbook, 4.3.3.2

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Wisconsin Medicaid (BadgerCare Plus) Covers:

Inpatient mental health services – when prescribed for patients under the age of 21 in a certified hospital institution for mental disease if the care team certifies that ambulatory care does not meet the needs of the patient.

Outpatient psychotherapy services – furnished by a certified mental health provider in mental health inpatient or outpatient facility, hospital, school, home or by telehealth. Outpatient psychotherapy services of up to \$825 per recipient, per provider in a calendar year for hospital outpatient mental health clinic providers, or 15 hours or \$825 per recipient, per provider, in a calendar year for non-hospital outpatient mental health clinic providers, whichever limit is reached first, may be provided without prior authorization by the department (this includes any substance abuse services to the same provider). Additional services may be authorized upon submission of prior authorization request.

Mental Health Day Treatment or Day Hospital Services – upon prescription. Up to 90 hours of day treatment services in a calendar year may be reimbursed without prior authorization.

Alcohol and Drug Treatment - When prescribed, outpatient alcohol and

other drug abuse (AODA) treatment services of up to \$500 or 15 hours per recipient in a calendar year, whichever limit is reached first, may be provided without prior authorization by the department. ADOA day treatment services may be provided upon prior authorization.

Community support program (CSP) services - covered when prescribed and provided by a certified provider. These non-institutional services make medical treatment and related care and rehabilitative services available to enable a recipient to better manage the symptoms of his or her illness, to increase the likelihood of the recipient's independent, effective functioning in the community and to reduce the incidence and duration of institutional treatment otherwise brought about by mental illness. Includes family, individual and group therapy, medication prescription and management, employment and life-skills training and assistance.

Psychosocial services provided through a community-based psychosocial service program.

Non-Covered:

- Outpatient psychotherapy services for persons over 21 in the home
- Inpatient IMD services for persons 22-64 although a person who is already inpatient at age 21 can stay through age 22.

Wis. Admin. Code § [DHS 107.13](#)
General coverage information:
<https://www.dhs.wisconsin.gov/medicaid/adults.htm>

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

WI SB4 is currently sitting in committee. The bill would prohibit conversion therapy from being established as “unprofessional conduct.”

See excerpt below:

“The rules promulgated under this subsection may not establish as unprofessional conduct employing or promoting any intervention or method that has the purpose of attempting to change a person's sexual orientation or gender identity, including attempting to change behaviors or expressions of self or to reduce sexual or romantic attractions or feelings toward individuals of the same gender.”



Wyoming

Age or Other Limitations

Is there an age range for consent?

Not generally, but minors over the age of 12 who are smokers or use tobacco products may consent to a tobacco cessation program (see right column).

Is consent conditional on the status of a youth (e.g., only homeless youth)?

Yes, consent is conditional. See *Wyo. Stat. §14-1-101*:

“(a) Upon becoming eighteen (18) years of age, an individual reaches the age of majority and as an adult acquires all rights and responsibilities granted or imposed by statute or common law, except as otherwise provided by law.

(b) A minor may consent to health care treatment to the same extent as if he were an adult when any one (1) or more of the following circumstances apply:

- (i) The minor is or was legally married;
- (ii) The minor is in the active military service of the United States;
- (iii) The parents or guardian of the minor cannot with reasonable diligence be located and the minor's need for health care treatment is sufficiently urgent to require immediate attention;
- (iv) The minor is living apart from his parents or guardian and is managing his own affairs regardless of his source of income;
- (v) The minor is emancipated under W.S. 14-1-201 through 14-1-206;

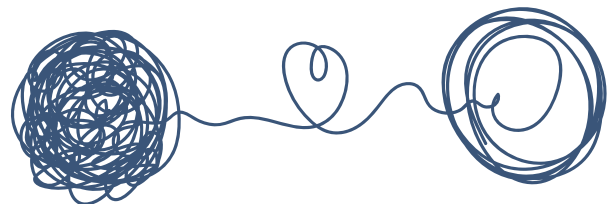
WY Stat § 14-1-102 states:

“(a) An unemancipated minor may obtain a birth certificate from the department of health and may enter into a legally binding contract for housing, employment, purchase of a motor vehicle, receipt of a student loan, admission to postsecondary school, establishing a bank account, admission to a domestic violence or homeless shelter and receipt of services as a homeless youth or victim of domestic violence or sexual abuse, provided that the minor (i) Meets all of the following: (A) At least sixteen (16) years of age; (B) Willingly living separate and apart from his parents who consent to or acquiesce in the separate living arrangement; (C) Homeless; (D) Managing his own financial affairs; and (ii) Submits an affidavit in accordance with subsection (b) of this Section.

Consent

Are there limitations on the consent (e.g., inpatient, outpatient, therapy, medication)?

No, according to *Wyo. Stat. §14-1-101*, if a minor meets the requirements necessary in order to consent to health care treatment, he or she may do so “to the same extent as if he were an adult.”



Access

Can a youth apply for medical coverage that includes mental health treatment (usually CHIP, up to age 19) on their own?

It does not appear that youth can apply for CHIP coverage on their own – the language on the state’s website is drafted for parents of children under the age of 19, and the Wyoming Department of Health describes the Kid’s Care CHIP program as being “available to the children of parents” whose income lies below 200% of the federal poverty level and are not eligible for Medicaid.”

There is an appendix to the application for coverage that is for certified application counselors, navigators, agents, or brokers filling out the application for somebody else, but information about who might be able to assist in filling out the application is very difficult to find.

Can someone over age 19 access coverage (e.g., was Medicaid expanded in the state, is there any option for low-income adults to get medical coverage)?

No, Wyoming has not accepted federal Medicaid expansion.

Are there any programs for undocumented youth?

Wyoming’s Medicaid Emergency Services Program is emergency healthcare for Wyoming’s families and children who are either undocumented immigrants or ineligible immigrants, but only emergency services are covered. To be eligible for the

Emergency Services Program, applicants must meet all eligibility factors for a Medicaid program (excluding US citizenship, identity and social security number requirements.) For other programs, the Wyoming Department of Health website specifically states that an individual would need to apply for a social security number in order to apply for Medicaid.

Coverage

What do the state insurance programs actually cover re: mental health treatment?

Covered services vary by program, but according to the Wyoming Medicaid Handbook, mental health and substance abuse services include: mental health and substance abuse services when provided by a community mental health center, a substance abuse treatment center, child development center, or an advanced practitioner of nursing with specialty of psych/mental health, a physician, a psychiatrist, or a licensed psychologist and the licensed mental health professionals as well as supervised mental health/substance abuse clinical staff.

Issues Specific to LGBTQ Youth

Is there anything in state law that would negatively affect LGBTQ youth in accessing nondiscriminatory and gender affirming mental health treatment?

Senate Bill 111, which would have created a new offense of child abuse

if a person intentionally inflicted upon a child under the age of 18 any procedure, drug, other agent or any combination thereof that is administered to intentionally or knowingly change the sex of the child (whether or not the child and/or their parents consented to such treatment), failed on February 23, 2023. But in the most recent session, the legislature passed SF99 (March 2024, effective July 1, 2024), which bans best practice medical care for transgender youth under 18.

The Trevor Project completed a summary of youth mental health in Wyoming, which may be helpful in accessing current needs.



Closing Thoughts

A right is only useful if it can be enforced. If you are a young person or someone trying to help a young person access care using this guide and are not able to do so, please contact Katie Meyer Scott at the National Homelessness Law Center at kmeyerscott@homelesslaw.org or call 202-638-2535, ext. 108

Please also visit <https://youthstateindex.com/legal-help/> to find an attorney near you who is able to represent youth and young adults in matters related to mental health consent. If no provider is listed or a listed provider could not help you, please contact Kelly Russo at the Homeless Youth Legal Network (HYLN) at hylh@americanbar.org or call 202-662-1695.

For more information about state laws that affect unhoused youth, please visit www.youthstateindex.com.

Contact Us



kmeyerscott@homelesslaw.org



202-638-2535, ext. 108