

	<b>MENTAL HEALTH AND SUBSTANCE ABUSE BULLETIN</b> COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE	
	<b>SUBJECT</b>  Age of Consent for Voluntary Outpatient Mental Health Treatment	<b>BY</b>   <b>Charles G. Curie</b> Deputy Secretary for Mental Health and Substance Abuse Services
<b>NUMBER:</b>	OMHSAS-01-04	
<b>ISSUE DATE:</b>	06/18/01	
<b>EFFECTIVE DATE:</b>	Immediately	

**SCOPE:**

County MH/MR Administrators, Community Based Mental Health Providers, National Alliance for the Mentally Ill of Pennsylvania, Parents Involved Network, Pennsylvania Mental Health Consumers Association, Pennsylvania Association of Rehabilitation Facilities, Mental Health Association of Southeastern Pennsylvania, Western Pennsylvania Coalition for Children's Advocacy, Pennsylvania Protection and Advocacy, Pennsylvania Community Providers Association, County MH/MR Administrators Association and Pennsylvania Psychiatric Society.

**PURPOSE:**

Questions have been raised regarding the age of consent for voluntary outpatient medically necessary mental health treatment. The Office of Mental Health and Substance Abuse Services is issuing this bulletin to provide an interpretation of Pennsylvania law related to the age of consent.

**BACKGROUND:**

Article II of the Mental Health Procedures Act (MHPA), 50 P.S. §7201-7207, although allowing voluntary inpatient treatment at 14 years of age, does not explicitly address voluntary outpatient treatment. Because the MHPA is sometimes interpreted to extend beyond its express terms and because another statute regarding medical treatment (35 P.S. §10101 "Minor's Consent") sets the age of consent (in most cases) at 18, it is necessary to take into account the purposes of these statutes, and employ "common sense" in interpreting and applying them, Uram v. County of Allegheny, 567 A.2d 753, 756 (Pa. Commonwealth, 1989).

**INTERPRETATION:**

Common sense suggests that those who can consent to more restrictive inpatient treatment can consent to less restrictive outpatient treatment. Accordingly, the MHPA permits 14-18 year-olds to consent to both inpatient and outpatient treatment.

Parents may provide consent for medical care for minors (children under age 18 years of age)(35 P.S. §10101.). Because an express purpose of the MHPA is to "make voluntary and involuntary treatment available where the need is great," (50 P.S. §7102), the MHPA cannot be read so as to deprive parents of the right to consent to necessary outpatient care for their children under the age of 18, for to do so would conflict with an express purpose of the MHPA.

Thus, either a minor child (at least 14 years of age) or the minor's parent may lawfully consent to voluntary outpatient mental health care.

<p><b>COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:</b></p> <p>Bureau of Policy and Program Development (717) 772-7900</p> <p style="text-align: center;">Visit the Office of Mental Health and Substance Abuse website at <a href="http://www.dpw.state.pa.us/omhsas/dpwmh.asp">www.dpw.state.pa.us/omhsas/dpwmh.asp</a>.</p>
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