

Testimony - House Committee on Health and Human Services
February 15, 2024
By Randy Callstrom

Madame Chair and members of the committee,

My name is Randy Callstrom, and I am the President and CEO of Wyandot Behavioral Healthcare. I am also a Licensed Specialist Clinical Social Worker. Wyandot BHN is the Community Mental Health Center (CMHC) and Certified Behavioral Health Clinic (CCBHC) serving Wyandotte County. We provide a spectrum of mental health, substance use disorder treatment, crisis, and housing services to children and adults.

I am speaking today as an opponent of House Bill 2793.

Wyandot Behavioral Health Network's current policy for treating minors states, " Kansas law K.S.A. 592949 authorizes a 14-year-old to make application to a treatment facility, although the parent or other person in loco parentis must be immediately notified in writing. The minor may not be seen a second time unless a "Consent to Treat a Minor" is signed by the parent/legal guardian. If a parent/legal guardian refuses to allow the minor to be seen, then Wyandot Behavioral Health Network shall honor the request of the parent/legal guardian."

This has been the policy and general practice of behavioral health providers, including community mental health centers, for many years. In fact, it is the current law. And it is very important to maintain the current law for treating minors, particularly for crisis scenarios.

A minor may appear in a mental health facility and report thoughts of suicide. In a situation such as this, the provider would try to contact the parent or guardian and engage them in keeping the youth safe. However, the parent or guardian may be unable to be reached. Or a minor may be an unaccompanied minor and not have a parent engaged in their life, or the youth may be in a physical or sexual abuse situation and reaching out for help. In some cases, DCF may need to become involved.

Without the ability to provide an initial risk assessment and crisis intervention, mental health providers would face a conundrum of ethically responding to the youth in front of them and assuring their safety or violating the law which could be grounds for disciplinary action. Furthermore, if the child were to leave and harm themselves, the mental health provider could be guilty of negligence and still subject to disciplinary action and even legal action.

K.S.A. 592949 already requires a parent or guardian be notified immediately if a minor seeks mental health treatment and prohibits ongoing treatment without parental or guardian consent. As I read House Bill 2793, even responding to a youth in crisis when the parent was not available would be prohibited. And I have strong concerns there could be dire unintended consequences. I encourage you not to pass HB 2793.