



ACKNOWLEDGEMENT OF COMPLIANCE WITH PA ACT 147

I understand and acknowledge that *Matthew J. Mauriello, MA, P.C.* (DBA “The Mauriello Group”) complies with Pennsylvania Act Number 2004-147 (also known as Act 147) that amended the rights of minors to consent for and release information about mental health treatment (alternatively behavioral healthcare services) provided in the Commonwealth. Specifically, Act 147 is designed to determine who prevails in treatment-related decisions when one party (e.g., the minor) consents to behavioral healthcare services while the other party (e.g., a parent or legal guardian) does not. The policies of *Matthew J. Mauriello, MA, P.C.* are designed to meet or exceed compliance with the law in order to protect the rights of minor clients receiving behavioral healthcare services as well as to shield them from potential harm.

Act 147 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.” The following points are an overview of the basic rights of minors and parents regarding outpatient treatment under Act 147:

Overview of Consent to Outpatient Treatment Under Act 147

- Any minor who is 14 years or older may consent to outpatient mental health examination and treatment. The consent of the minor's parents or legal guardians is not necessary. A parent or legal guardian cannot abrogate consent given by a minor on his or her own behalf.
- A parent or legal guardian can consent to outpatient mental health examination and treatment for a minor 14 to 17 years of age. The consent of the minor is not necessary. A minor cannot abrogate consent given by the parent or legal guardian on behalf of the minor.
- It is implicit in the language of Act 147 that the parent or legal guardian of a minor under the age of 14 years must consent to voluntary outpatient mental health examination and treatment on behalf of the minor.

Overview of Release of Outpatient Treatment Records and Information Under Act 147

- Control over the release of medical records generally resides with the person (i.e., the minor or a parent and/or legal guardian) who has provided the consent for outpatient behavioral healthcare services.
- When a minor 14 to 17 years of age consents to outpatient treatment and understands the nature of the information in his/her records and the purpose for which third parties may seek the records, the minor controls the release of those treatment records. Providers may only release the minor's records to the minor's parents or legal guardians with the minor's prior written consent or pursuant to a court order.
- When a parent or legal guardian consents to outpatient treatment of a minor 14 to 17 years of age, the parent can consent to the release of the minor's medical record and information related to treatment for which the parent or guardian consented. They can also release records of prior mental health treatment for which the minor had provided consent to the minor's current mental health treatment provider if deemed pertinent by the minor's current provider. They can also the release of the minor's mental health records and information to the primary care provider if, in the judgment of the minor's current mental health provider, such release would not be detrimental to the minor.
- It is implicit in the language of Act 147 that the parents or legal guardians of a minor less than 14 years of age control the release of the minor's outpatient treatment records to third parties. Such records may be released with the prior written consent of the minor's parent(s) or legal guardian(s).
- A provider shall give access to a minor of any age who has received or is receiving treatment to his/her records. The minor shall only be denied access to a limited portion of his/her record if that information would be a substantial detriment to the minor patient's treatment.
- A provider may disclose the minimal needed amount of non-privileged information in the minor's outpatient record to third-party payers designated by the minor and/or the minor's parents or legal guardians without the consent of the minor or the minor's parent(s) and/or legal guardian(s) to receive payment for services rendered.

Provider Policies on Consent, Release of Information, Release of Records, and Privacy

I understand and acknowledge that as the parents and/or legal guardians, I am to maintain an active and supportive role for my child receiving behavioral healthcare services; however, I am also aware that the professional and fiduciary relationship exclusively exists between my child and my child’s healthcare provider(s).

I understand and acknowledge that legal custody is defined in Chapter 53 of Pennsylvania’s Domestic Relations Code as a parent and/or legal guardian’s “right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions” (23 Pa. C.S.A §5322). This definition includes behavioral healthcare services.

I understand and acknowledge that it is the policy of *Matthew J. Mauriello, MA, P.C.* that minors under 14 years of age must receive written consent from both parents and/or legal guardians to receive any outpatient behavioral healthcare services. Only in the rare exception when one parent can document that the other parent or guardian’s legal rights were terminated will a child receive services without both parents’ consent. I also acknowledge that while a child’s consent is not legally required, it only makes sense for services to continue with the child’s assent.

I understand and acknowledge that it is the policy of *Matthew J. Mauriello, MA, P.C.* that minors aged 14 years to 17 years of age must provide written consent to receive any outpatient behavioral healthcare services along with at least one parent and/or legal guardian providing written consent for the same service(s). I agree that neither party can interfere with this consent, per Act 147, for any outpatient services.

I understand and acknowledge that it is the policy of *Matthew J. Mauriello, MA, P.C.* that minors aged 14 years to 17 years of age control consents and authorizations to release records and information; I know Act 147 makes a clear distinction between what is considered to be records or to be information. I know that parents and/or legal guardians can consent to release outpatient records to a primary care physician or another mental health provider if the mental health provider(s) believes it is in the minor client’s best interest. Parents and/or legal guardians also have the right to receive the following information: information necessary for providing consent to treatment or examination; the minor’s symptoms and conditions to be treated; medications and other treatments; and the risks, benefits, and expected results of treatment.

I understand and acknowledge that behavioral healthcare services are most effective when a trusting relationship exists between provider and patient. Privacy is especially important in securing and maintaining that trust. A goal of treatment can be to promote a stronger and better relationship between children and their parents; however, it is often necessary for children and adolescents to be granted privacy with their provider so they feel free to discuss personal matters. This is especially true for adolescents who are developing a greater sense of independence and autonomy. If your child is an adolescent, he or she may reveal sensitive information regarding sexual contact, substance use, or other potentially problematic behaviors. Some of these behaviors may be minor problems, but at other times they may require parental intervention. If your child’s provider(s) believes that your child is at serious risk of harming him/herself or another, they will inform you.

By signing this agreement, you the parent(s) and/or legal guardian(s) of the minor client, understand and acknowledge the above statements about Pennsylvania law. You agree to abide by the policies of *Matthew J. Mauriello, MA, P.C.* regarding consent to and release of information or records for behavioral healthcare services. You understand that your child’s healthcare provider will afford your child with age-appropriate privacy and confidentiality. You agree to refrain from requesting detailed information about content of psychotherapy sessions with your child, and understand that his or her provider(s) will regularly offer you general information about your child’s progress in treatment as stipulated by law.

_____	_____	_____
Printed Name of client	Signature of client (if age 14 or older)	Date
_____	_____	_____
Printed name of personal representative	Personal Representative Signature (client under 18)	Date
_____	_____	_____
Printed name of personal representative	Personal Representative Signature (client under 18)	Date
_____	_____	_____
Printed Name of Healthcare Provider	Signature of Healthcare Provider	Date