Louisiana Department of Health Informational Bulletin

AmeriHealth Caritas Louisiana

To: AmeriHealth Caritas Louisiana Providers

Date: October 20, 2026

Subject: Informational Bulletin 26-17: Updates to Minor Consent Rules for Behavioral Health Services

Informational Bulletins that summarize policies and/or procedures are intended for quick reference and are accurate on the date they are issued.

Updates to Minor Consent Rules for Behavioral Health Services

AmeriHealth Caritas Louisiana would like to inform you that the Louisiana House Bill 775, now enacted as Act 835 of the 2026 Regular Session, makes significant changes to Louisiana law concerning the provision of medical and behavioral health services to individuals who have not attained the age of majority (age 18). Act 835 went into effect as of **August 1, 2026**. LDH is in the process of promulgating rule changes and revising policies in order to align with the requirements in Act 835.

Unless otherwise exempt by Louisiana Law, a healthcare provider may not provide services to a person under the age of 18 without consent from an authorized person. For members under 18 years of age, the following entities may provide consent for treatment:

1. A parent of the member;
2. A legal guardian;
3. A person professing to be serving as a temporary guardian or caregiver at the request of a parent or legal guardian.

Some exceptions exist, allowing minors to consent to treatment. These include if the minor is seeking alcohol or substance use treatment, or if the minor voluntarily chooses to be admitted to a mental health or substance use treatment facility in accordance with Children's Code Article 1464. Providers are responsible for determining whether an applicable statutory exception exists and shall maintain documentation supporting the authority under which treatment was provided.

In non-emergency situations, the provider shall document consent from the minor's parent, legal guardian, or other person legally authorized to consent on the minor's behalf, unless the minor is authorized by law to consent to the treatment independently. In emergency situations, consent for medical treatment for persons who have not reached the age of 18 shall be implied as defined in R.S. 40:1159.5, which states consent is excused or implied in the following situations:

1. In competent medical judgment, the proposed surgical or medical treatment or procedures are

reasonably necessary; or

2. A person authorized to consent under R.S. 40:1159.4 is not readily available, and any delay in treatment could reasonably be expected to jeopardize the life or health of the person affected or could reasonably result in disfigurement or impair faculties.

or

1. A person transported to a hospital from a licensed health care facility is not in a condition to give consent;
2. A person authorized to give consent is not readily available; and
3. Any delay would be injurious to the health and well-being of such person.

Providers are encouraged to review Act 835 and upcoming Medicaid Behavioral Health Services Provider Manual changes as well as their own consent procedures, staff education, and documentation practices to ensure alignment.

For additional details, please review Informational Bulletin 26-17.

Questions regarding this message should be directed to AmeriHealth Caritas Louisiana Provider Services at 1-888-922-0007 or your Provider Network Management Account Executive. The Provider Service Department can be reached between 7:00 am and 7:00 pm daily.

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