

Confidentiality/Minor Consent Laws

For Educational Purposes Only

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or legal guardian must provide consent on behalf of a minor (under age 18) before health care services are provided, with **several important exceptions**.

- **Emergency care**
- **Care for independent minors**
 - Emancipated minor, living apart from parents/guardians for at least 4 months;
 - Married or has been married
 - Is a mother or has borne a child

Patients under 18 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy services and prenatal care
- Contraceptives and family planning services including emergency contraception
- Testing and treatment for sexually transmitted infections (STIs) including HIV testing and treatment*
- Substance abuse treatment**

*Providers must note an attempt to obtain minor consent to communicate with parents or justification for not attempting in minor's medical record, unless doing so would jeopardize the treatment or result in a health hazard.

**Provider must make every reasonable effort to report treatment to the minor's parents/guardian within reasonable time after treatment.

MINORS NEED A PARENT/GUARDIAN'S *PERMISSION* FOR:

- Vaccines, including HPV
- Mental Health services and treatment

PARENT/GUARDIAN'S *NOTICE* IS REQUIRED FOR:

- An Abortion. Unless deemed medically necessary by a physician to save the patient's life or health, parent/guardian notice is required before performing an abortion. A minor may seek court order to obtain an abortion without parental notification

HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR'S CONFIDENTIALITY AND REPORT IF:

- The minor is a risk to themselves or someone else
- There is suspicion of abuse or neglect by an adult
- The minor is under age 16 and has been involved in sexual activity with a person aged 18 or older

ACCESS TO MEDICAL RECORDS

- Parents/guardians can access minors' records, but provider may use discretion to prohibit parent/guardian access if it is not in the minor's best interest