

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**
- **Examinations related to sexual assault** (the law states that a written notice shall be given to parent/guardian after the examination takes place)
- **Care for independent minors**
 - Legally married minor
 - Enrolled in military service

Specific health care services related to:

- Sexual health Substance use treatment Mental health

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

- Testing and treatment for sexually transmitted infections (includes HIV testing only)
- Substance and alcohol abuse treatment (if the minor is 12 years or older)
- Outpatient mental health care if it doesn't require medication (if the minor is 14 years or older; if the treatment spans more than 30 days or 6 visits, parental notification is required)

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Vaccines, including HPV
- Mental health medications
- Abortion services (unless the minor obtains a judicial bypass waiver)

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

THE LAW DOES NOT HAVE GUIDANCE EXPLICITLY FOR:

- Contraception or emergency contraception for non-Title X funded clinics
- Pregnancy testing or pregnancy related-care.
- Access to HIV prevention through pre-exposure prophylaxis (PrEP)
- Conditions to determine mature minors or a judicial system for minor emancipation that in would result in minors consenting for their own health care

Providers may choose to provide these above services without parental consent if in the opinion of the practitioner, the teen has capacity to consent.