

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. These exceptions are based on a minor's **status**, the **type of service** requested, or the clinic's **funding source**.

Minor Consent Based on Status: A minor can consent to health care services without a parent or guardian if they are:

- Emancipated
- Married
- Divorced

Minor Consent Based on Service: Patients under 18 are able to do the following WITHOUT parental consent:

- Receive surgical care or health services for any illness or disease
- Receive pregnancy related care, including care related to labor and childbirth
- Receive services for diagnosis and treatment of STIs
- Receive PrEP for HIV prevention
- Receive services for diagnosis and treatment of drug and alcohol problems, including preventive counseling or treatment.

Minor Consent Based on Funding: A minor can consent to health care services without a parent or guardian if they are:

- Receiving contraceptive services at a Title X facility*
- Receiving services funded by Medicaid
- Receiving services from Title X funded sites**

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Abortion with the exception of judicial bypass and medical emergency
- Sterilization
- Adoption placement

HEALTH CARE PROVIDERS **MAY** OVERRIDE THE MINOR'S CONFIDENTIALITY FOR:

- STD Testing
- Testing positive for STD and receiving treatment
- Any reason

* There is no law that explicitly allows minors to consent for contraceptive services.

**Title X law overrides Louisiana State Law.

HEALTH CARE PROVIDERS **MUST** OVERRIDE THE MINOR'S CONFIDENTIALITY:

- If there is suspicion of abuse or neglect

Physicians are required to report instances of prenatal neglect to the Department of Children and Family Services (DCFS) by calling 855-4LA-KIDS (855-452-5437). The call is free and operates 24 hours per day, 365 days per year.

OTHER:

- Right to Refuse - In 88 Op. Att'y Gen. 232 (La. Nov. 16, 1988), the Louisiana Attorney General found that a minor **has the right to consent** for medical treatment, but **has no right to refuse** medical treatment when their parents' consent for it.
- [Consent by Person in Loco Parentis](#)- La. Rev. Stat. Ann. § 40:1299.53 provides that any person temporarily serving as a guardian may consent for any surgical or medical treatment or procedures by a duly licensed physician.

REFERENCES:

[An Overview of Consent to Reproductive Health Services by Young People](#)

[Louisiana Department of Health: Women's Right to Know:](#)

[The Federal Title X Family Planning Program: Privacy and Access Rules for Adolescents](#)

[State Minor Consent Laws: A Summary 3rd Edition](#)

[Consent Laws Louisiana](#)

[Coming of Age in Louisiana: A Road to Adulthood](#)

[Fundamentals of the Pediatric Consent Process in Louisiana](#)

[Louisiana AFP – Edition 21](#)

[2011 Louisiana Laws](#)