

Confidentiality/Minor Consent Laws

For Educational Purposes Only

PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or 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, age, 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:

- Married -OR-
- Serving in the military -OR-
- Legally emancipated

Minor Consent Based on Age:

- Minors **16 or older**:
 - can consent to **any** health care services that do not require an operation
 - consent to an operation if it is **essential to their health or life** in the opinion of the performing physician and a consultant physician if one is available
- Minors **under 16**:
 - can consent to health services of **any kind** when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary.
 - If the health services involve an operation, it can only be performed only if it is **essential to their health or life** in the opinion of the performing physician and a consultant physician if one is available

Minor Consent Based on Service: Patients under 18 may consent to the following WITHOUT parental consent:

- Pregnancy testing and prenatal care, other than abortion
- Family planning and contraceptive care
- STI testing and treatment
- HIV/AIDS testing and treatment
- PrEP for HIV prevention for minors age 16+
- Treatment for substance abuse
- Outpatient mental health services
- Emergency care if:
 - the proposed surgical or medical treatment is reasonably necessary (according to competent medical judgment)
 - a person authorized to consent is not readily available and
 - any delay in treatment would jeopardize the minor's life or health

Minor Consent Based on Funding Source (Medicaid or Title X):

- Under Medicaid, patients of child-bearing age (i.e. past the age of puberty) may receive all FDA-approved contraceptive methods (except for sterilization) without parental consent. Minors with Medicaid who are accessing contraception have a right to confidentiality under federal law.
- Under Title X, adolescents of any age can receive a range of contraceptive methods and counseling services and are entitled to confidentiality for these services.

