

Confidentiality/ Minor Consent Laws

Introduction

Deepen your team's understanding of minor consent laws, and explore best practices for providing confidential care to adolescents. This Spark outlines Michigan laws. Please contact us to see if we have this Spark available for your state or if you would like us to develop one based on the minor consent laws in your state!

Objectives

By the end of this Spark training, participants will be able to:

- Identify which services minors have a right to access without a parent/guardian's consent
- State the circumstances that health care providers must override a minor's confidentiality and report

Supplies

Prepare these supplies prior to facilitating this Spark.

- Laptop
- Projector
- Copies of the *Michigan Confidentiality/Minor Consent Laws Spark Handout* for all participants
- Writing utensils for all participants

Additional Resources

If you would like to learn more about this Spark topic, or want to find health care services to refer teens to, take a look at these additional resources.

- [Michigan Laws Related to Right of a Minor to Obtain Health Care without Consent or Knowledge of Parents](#) (The Network for Public Health Law CONSENT FOR CARE AND CONFIDENTIAL HEALTH INFORMATION Issue Brief)
- [Physician Knowledge and Attitudes around Confidential Care for Minor Patients](#)

Citation

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Key of Icons

 = Slide change  = Estimated duration of topic  = Script for facilitator  = Note for facilitator

Intro/Hook  (4 minutes)

 1 – TITLE SLIDE

 Today we are going to do a 15-minute mini-training, also called a Spark. As youth-serving professionals, it is important that we understand adolescent confidentiality and minor consent. Each person here will have times where we need to know and comply with confidentiality laws, though it’s different for our various roles. For each law and scenario we discuss, please think about how it applies to your role. To get us started, let’s review a case scenario.

 2 – CASE SCENARIO: SHAY

 This is Shay who is 15. She is here today because of a sore throat. During her visit the clinician found out that she is concerned about having a STI. Shay says she is worried her mother will kick her out of the house if she knows Shay is sexually active. How does the right to confidentiality help or hurt Shay?

 Give participants a moment to respond to the question on the slide. You may choose to have discussion here or just have people think about it.

 Usually, not all of this patient information is available to everyone who comes into contact with her. When we know more details about a patient, does it affect how we feel about the patient’s right to confidentiality? Even though we know the law says we need to respect teens’ confidentiality, it can be challenging when we think parents should be involved. What can go wrong if we accidentally break confidentiality?

 Have a couple of people respond briefly. Main point: If we don’t follow the laws, it can have a negative impact on teens.

 Many teens choose to include their parent or guardian in decisions about their health. For some teens, however, having the option of certain confidential services makes it more likely that they will seek care when they need it. For instance, a sexually active teen may be more likely to use contraception if someone tells the teen that they can get birth control without a parent or guardian’s consent.

Key Concepts  (8 minutes)

 3 – MI LAW: PARENTAL CONSENT EXCEPTIONS

 Let’s review the laws and consider how we implement them here. As we see on this slide, 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 emancipated minors who can be emancipated by court order, marriage, or military active duty
- Specific health care services related to sexual health, mental health, or substance abuse treatment

 Pass out the “Michigan Confidentiality/Minor Consent Laws” [handout](#).

4 – MI LAW: CONFIDENTIALITY/MINOR CONSENT

 Here’s a handout that explains Michigan’s confidentiality and minor consent laws. This slide also outlines the laws and can be a cheat sheet if you want to keep it handy. As we see here, patients under 18 have a right to the following **without** parental/guardian consent or knowledge:

- Pregnancy testing and prenatal care
- Birth control information and contraceptives
- Testing and treatment for sexually transmitted infections (STIs)
- Substance abuse treatment

Patients ages 14 and up can access **mental health counseling** without parental/guardian consent/knowledge. This lasts for up to 12 visits, or for 4 months.

Are there any questions?

5 – MI LAW: CONFIDENTIALITY/MINOR CONSET FOR PREP



- PrEP prescriptions for a minor in the absence of a recent STI and is not prescribed in a Title X clinic requires parental consent
- PrEP prescriptions with or without a recent STI at a Title X clinic does NOT require parental consent
- PrEP prescriptions with a recent STI in any type of provider setting does NOT require parental consent

6 – CASE SCENARIO: SHAY

 Let’s go back to our 15-year-old patient scenario, Shay. Let’s answer these questions together as I read through them.

- Can Shay receive STI testing without a parent’s permission? [Answer: Yes]
- Can she receive STI treatment? [Answer: Yes]
- What if Shay was 13 years old? Answer: [Yes, she still could, though **it’s best to encourage the patient to tell her parent**, and probe for signs of abuse.

6 – MICHIGAN LAW: REPORTING

 Now we’re going to review when a minor’s confidentiality must be overridden. Health care providers must override the minor’s confidentiality and report if:

- There is suspicion of abuse by an adult

- The minor is a risk to themselves or someone else
- The minor is under age 12 and has been sexually active

The provider may choose to tell the parents about any care provided to the minor patient if they believe it is in the minor’s best interest.

Minors need a parent/guardian’s permission for:

- Vaccines (including HPV)
- Mental health medications (some exceptions for youth 16 or older)
- Inpatient mental health treatment
- An abortion (unless a court-approved waiver is obtained)

Application  (3 minutes)

 **7 – CASE SCENARIO: GIOVANNI**

 Let’s take a look at one last scenario. Giovanni is a 17-year-old boy who is struggling with alcohol abuse, but doesn’t want to tell his parents.

 Is Giovanni allowed to get outpatient counseling for substance abuse without a parent’s consent?

 Allow a moment for people to respond either quietly to themselves or aloud.

 The answer is yes, though the provider may encourage Giovanni to tell his parents.

 **8 – THANK YOU!**

 To keep this conversation going over the next month, I will share Sparklers, or quiz questions, about confidentiality. I’ll post the Sparklers around the office in places that you all can easily see them. When you see a Sparkler, take a moment to read them and reflect on the responses. Thank you for your participation!

 Print and post Sparklers in areas your staff can see (e.g., lunchroom).

