

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 emancipated minors

- Minors can be emancipated by: court order, marriage, military active duty.

Specific healthcare services related to:

- Sexual health
- Mental health
- Substance use treatment

A minor of any age has the right to the following WITHOUT parental/guardian consent or knowledge:

- Prevention, diagnosis, or treatment of pregnancy or its lawful termination
 - This includes contraception information and contraceptive access
- Prevention, diagnosis, or treatment of sexually transmitted diseases
 - Including vaccination for HPV and Hepatitis B
 - DC law does not expressly allow minors to consent to HIV pre-exposure prophylaxis (PrEP) without parental/guardian involvement. It is considered best practice as part of routine STI prevention to counsel clients on PrEP use when indicated or requested. However, we recommend that you confer with your legal and/or risk management team, and state public health officials, to develop institutional policies around providing PrEP without parental/guardian consent. You can look for more information at the DC Health Department Sexual+Being website at <https://sexualbeing.org/get-prep/prep-for-providers/>
- Prevention, diagnosis, or treatment of substance abuse, including drug or alcohol abuse
- Prevention, diagnosis, or treatment of a mental or emotional condition

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Vaccines (except for HPV and Hepatitis B)
- Inpatient mental health treatment
- Mental health medications (exceptions listed below)

MINORS 16 OR OLDER MAY CONSENT TO PSYCHOTROPIC MEDICATIONS FOR PSYCHIATRIC TREATMENT WITHOUT THE CONSENT OF A PARENT/GUARDIAN WHEN:

- The parent/guardian is not reasonably available

- Requiring consent would have a detrimental effect on the minor
- The parent/guardian refuses to consent

HEALTHCARE 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

For educational purposes only.

Best Practices

PROVIDER/PARENT/GUARDIAN INTERACTION TIPS

- Validate the parental role.
- Elicit any specific questions/concerns from the parent/guardian.
- When meeting with the patient *and* the parent/guardian, direct questions directly to patient while appreciating parent/guardian input.
- Discuss the expectation that some time will be spent with the teen alone.

“As teens begin to develop into adults and take more responsibility for their lives, we always ask parents/guardians to wait outside for part of the interview to encourage the teen to discuss his or her own view of their health.”

- The provider should then invite the parent/guardian to please have a seat in the waiting room; especially with younger patients, the provider may then assure the parent that they will be called back prior to the close of the visit.

ADOLESCENT PATIENT INTERACTION TIPS

- Inform adolescent patients that if their insurance is billed for a service, that an Explanation of Benefits (EOB) may be mailed to their parent/guardian.
- Provide referral information for free or sliding scale clinics to adolescent patients who don’t want to use their parent/guardian’s insurance.
- Inform adolescent patients about their rights and limitations regarding confidentiality laws and procedures (handout and poster in exam rooms).

SAMPLE POLICY: CONSENT TO CONFIDENTIAL HEALTH SERVICES

“Where a minor is obtaining services without parental consent, the physician should discuss with the minor the likely disclosure to the parent/guardian via the insurance company’s explanation of benefits (EOBs). For example, inform the minor that ‘If you use your insurance to pay for the service, it is possible that the information will be on the explanation of benefits that is mailed to your parent(s).’ If the minor pays in full at the time of service and requests that the services not be billed to the parent/guardian’s insurance, UMHS must honor this request to keep the information confidential.”
(University of Michigan Health System Policy, 2016)