

Confidentiality/ Minor Consent Laws

Introduction

Encourage your team to consider how staff and providers in varied roles can create a climate where adolescents are more likely to discuss their sexual and mental health openly and honestly.

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 Washington, D.C. Confidentiality/Minor Consent Laws Spark Handout

Additional Resources

If you would like to learn more about this Spark topic, take a look at these additional resources.

- American College of Obstetricians and Gynecologists: [Committee Opinion](#)
- D.C. Department of Health: [Minor's Health Consent](#)
- Guttmacher Institute: [An Overview of Minors' Consent Law](#)


Citation

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Key of Icons


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


Intro/Hook  (3 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. This training is intended to be an overview of the most relevant laws on confidential services for teens.

Each person here will have times where we need to know and comply with consent and confidentiality laws, though it's different for our various roles. For each law and scenario we discuss, try to 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 an 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, Shay would probably be more likely to get tested for STIs and possibly get a method of contraception if she's assured her mother's permission is not required.


Key Concepts (10 minutes)


3 – IMPORTANT DEFINITIONS

 Let's review the laws and consider how we implement them here. This slide reminds us that parent consent is needed for most health care services, except a few key ones. Before we review the laws, it's important to recognize the difference between consent and confidentiality.


- **Consent** is permission to act. In general, a parent or legal guardian must give their permission – or “consent” – before their minor child can receive a medical service. However, there are important exceptions where a minor can consent to their own care, without a parent’s permission. We will discuss these exceptions today.
- **Confidentiality** refers to how health care providers and staff keep certain information private.
- **Consent does not equal confidentiality.**
 - o Even if a minor is allowed to consent to a service without a parent’s permission, it does not necessarily mean that the provider is required to keep it confidential.
 - o So, laws can protect a minor’s right to access a specific service, like contraception, but often, it’s up to health care providers and staff to protect a minor’s confidentiality.

4 – D.C. LAW: PARENT/GUARDIAN CONSENT EXCEPTIONS

 Let's review the laws and consider how we implement them here. This slide reminds us that parent consent is needed for most health care services, except a few key ones.

 [Pass out the “D.C. Minor Consent & Confidentiality Laws” handout](#)

5 – D.C. LAW: CONFIDENTIALITY/MINOR CONSENT

 Here's a handout that has the information as well. The side titled “D.C. Confidentiality/Minor Consent Laws” outlines the laws and can be a cheat sheet if you want to keep it handy. The other side is about best practices for how to talk about the laws, which we'll be looking at in the next Spark. Today, we'll focus on the first side.

 [Read text of the slide:](#)

 **Minors have a 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 vaccinations 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 use, including drug or alcohol use
- Prevention, diagnosis, or treatment of a mental or emotional condition

Are there any questions?

6 – REPORTING

 Read text of slide or solicit volunteer to read.

 **Healthcare providers must override the minor’s confidentiality and tell the parent if:**


- There is suspicion of abuse by an adult
- The minor is a risk to themselves or someone else

Minors need a parent/guardian’s permission for:

- Vaccines (except for HPV and Hepatitis B)
- Mental health medications (some exceptions for youth 16 or older)
- Inpatient mental health treatment


Any questions?

7 – HPV VACCINATIONS

 Can a minor in Washington, D.C. give consent for the HPV vaccine? Washington, D.C. is not specific about HPV but the law is interpreted to allow adolescent patients to get vaccinated sexually transmitted diseases such as HPV and Hepatitis B.

So the answer in Washington, D.C. is yes. A minor cannot consent for the HPV vaccine.

8 – CASE SCENARIO: SHAY

 Let’s go back to our 15-year-old patient scenario, Shay, and 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.]*
- Can she receive preventive care, such as an HPV vaccine? What about condoms or other contraception? *[Answer: Yes, because it is a vaccine against STDs.]*


A final note about Shay. If she uses her mother’s insurance, any health information may be disclosed in an explanation of benefits (EOB) form that could be sent to her parents. For maximum confidentiality, a minor may go to a provider that is able to provide services without billing

insurance, like a Title Ten clinic. The Spark on Confidentiality Best Practices covers more strategies to ensure confidential services for minors.


Application (2 minutes)

9 – CASE SCENARIO: GIOVANNI


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

 Is Giovanni allowed to get outpatient counseling for substance use without a parent's consent?

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

 The answer is yes. The provider is not required to notify Giovanni's parents, but may encourage Giovanni to tell his parents.

10 – 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).