

## 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**.

- **Emergency care**
- **Care for independent minors**
  - Age 16 or older, living apart from parents *and* managing their own financial affairs; OR legally married; OR minors who are prosecuted as an adult in the justice system and confined to a correctional institution (except for abortion and sterilization procedures)
- **Specific health care services related to:**
  - Sexual health
  - Mental health
  - Substance use treatment

#### Patients under 18 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy testing, birth control information, and contraceptives only if:
  - minor is married, pregnant, or a parent OR
  - a physician determines probable health hazards would occur if services are not provided
- Medical and surgical care related to pregnancy
- Emergency contraception
- Testing and treatment for sexually transmitted infections/STIs (including HIV)\*
- Substance use treatment, including alcohol or drugs
- Outpatient mental health services (age 13 and above) if:
  - Treatment may not exceed 2 visits during a 1-week period
  - Does not include mental health medications and some types of therapy

\*Florida 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 contact the HIV/AIDS Section of the Florida Department of Health at [DiseaseControl@flhealth.gov](mailto:DiseaseControl@flhealth.gov).

#### MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Vaccines (including HPV)
- Mental health medications
- Abortions (unless judicial bypass waiver is obtained)

HEALTH CARE PROVIDERS MUST OVERRIDE THE MINOR'S CONFIDENTIALITY AND REPORT IF:

- The minor is a risk to themselves or someone else
- There is suspicion of abuse or neglect
- Sexual activity occurred that was nonconsensual, without equality, or as a result of coercion
- The minor is under age 16 and has been sexually active with an adult over the age of 24

LAW FOR PELVIC EXAMINATIONS:

Under legislation as of July 1, 2020, a provider must obtain written consent from the patient or their guardian to perform any pelvic examination unless:

- By court orders the performance of an examination OR
- Is immediately necessary to avoid serious risk

For services that minors can consent to (e.g. STD testing and treatment), minors can consent to a pelvic examination themselves, without needing a parent/guardian signature.