

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. These exceptions are based on a minor's **status**, 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:

- Emancipated
- Married
- Divorced

Minor Consent Based on Service: Patients under 18 are able to do the following WITHOUT parental consent:

- Receive surgical care or health services for any illness or disease
- Receive pregnancy related care, including care related to labor and childbirth
- Receive services for diagnosis and treatment of STIs, including HIV*
- Receive services for diagnosis and treatment of substance use disorders, including preventive counseling or treatment.

* Louisiana 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 Louisiana Department of Health STI/HIV Program at (504) 568-7474.

Minor Consent Based on Funding: A minor can consent to health care services without a parent or guardian if they are:

- Receiving contraceptive services at a Title X facility**
- Receiving services funded by Medicaid
- Receiving services from Title X funded sites***

** There is no law that explicitly allows minors to consent for contraceptive services.

*** Title X law overrides Louisiana State Law.

HEALTH CARE PROVIDERS **MAY** OVERRIDE THE MINOR'S CONFIDENTIALITY FOR:

- STI testing and treatment
- Any reason

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MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Abortion with the exception of judicial bypass or medical emergency. However, since Roe v. Wade was overturned, abortion is largely banned in Louisiana and access to abortion services is limited.
- Sterilization
- Adoption placement

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

- If there is suspicion of abuse or neglect

Physicians are required to report instances of prenatal neglect to the Department of Children and Family Services (DCFS) by calling 855-4LA-KIDS (855-452-5437). The call is free and operates 24 hours per day, 365 days per year.

OTHER:

- Right to Refuse - In 88 Op. Att'y Gen. 232 (La. Nov. 16, 1988), the Louisiana Attorney General found that a minor **has the right to consent** for medical treatment, but **has no right to refuse** medical treatment when their parents' consent for it.
- [Consent by Person in Loco Parentis](#)- La. Rev. Stat. Ann. § 40:1299.53 provides that any person temporarily serving as a guardian may consent for any surgical or medical treatment or procedures by a duly licensed physician.

REFERENCES:

[An Overview of Consent to Reproductive Health Services by Young People](#)

[Louisiana Department of Health: Women's Right to Know:](#)

[The Federal Title X Family Planning Program: Privacy and Access Rules for Adolescents](#)

[State Minor Consent Laws: A Summary 3rd Edition](#)

[Consent Laws Louisiana](#)

[Coming of Age in Louisiana: A Road to Adulthood](#)

[Fundamentals of the Pediatric Consent Process in Louisiana](#)

[Louisiana AFP – Edition 21](#)

[2011 Louisiana Laws](#)