
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** or the **type of service** requested.

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

- Married or has given birth
- Minor living separate and apart from parents or guardian (with or without consent, regardless of duration) who is managing their own financial affairs

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

- Emergency medical, surgical, hospital or health services (if a parent/guardian would delay or deny treatment)
- Contraceptive care and family planning services including emergency contraception
- Pregnancy and prenatal care
- Testing and treatment for sexually transmitted infections (STIs) including HIV *
- Substance use services and treatment
- Outpatient mental health services if related to pregnancy, STIs, or substance use
- Inpatient mental health services and treatment ages 16 or older

* Minnesota 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 Infectious Disease Epidemiology, Prevention and Control Division at 651-201-5414.

MINORS NEED A PARENT/GUARDIAN'S PERMISSION FOR:

- Vaccines (except Hepatitis B). Under Minnesota law, minors will need parental consent to receive an HPV vaccine.
- Abortion. Written notice must be given to at least one parent or guardian within 48 hours of request. (No notification is required if the physician certifies that abortion is necessary to prevent the minor's death or if the minor declares they are a victim of sexual abuse, neglect, or physical abuse, in which case the proper authorities will be notified)
- Inpatient mental health or substance use services and treatment under the age of 16

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

- There is reason to believe that there is a case of physical abuse, neglect, sexual abuse, sexual exploitation or sex trafficking, or emotional abuse present or having occurred in the past three years.
- Minnesota's *Disclosure to Parents* states that any medical professional may inform a parent or guardian of treatment given or needed for which a minor is authorized to give consent when, in the professional's judgment, failure to inform the parent or guardian would seriously jeopardize the health of the minor.

Reference: Adolescent & Young Adult Health Care in Minnesota: A Guide to Understanding Consent & Confidentiality Laws. Abigail English, Center for Adolescent Health & the Law. March 2019. http://nahic.ucsf.edu/wp-content/uploads/2019/01/Minnesota-AYAH-Confidentiality-Guide_Final.pdf