

## 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 19) before health care services are provided, with **several important exceptions**:

- **Emergency care**
- **Care for independent minors**
  - Living apart from parents and managing their own financial affairs; marriage OR active military duty
- **Specific health care services**

#### Patients under 19 have the right to the following WITHOUT parent/guardian consent:

- Pregnancy testing and prenatal care
  - Birth control information and contraceptives
  - Testing and treatment for sexually transmitted infections/STIs (parents/guardians remain financially responsible for services)
  - Testing, evaluation, and treatment for outpatient mental health and substance use services (up to six sessions)
  - Medication for mental health concerns (must be 16 years and older and only when parent and guardian is not reasonably available, requiring consent would be detrimental to the minor, or the parent/guardian refuses)
- Nebraska law does not expressly allow minors to consent to HIV testing, HIV treatment, or HIV pre-exposure prophylaxis (PrEP) without parental/guardian involvement. It is considered best practice as part of routine STI prevention to counsel clients on HIV testing, treatment, and 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 HIV testing, treatment, and PrEP without parental/guardian consent. You can contact Nebraska Department of Health and Human Services HIV and Hepatitis Program Manager Andy Dillehay at (402) 471-6318.

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

- Vaccines (including HPV)
- Mental health services and medications
- Substance use treatment
- Abortion (unless minor is age 18; OR in cases of parental abuse/neglect; OR a court approved 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 by an adult
- The minor is under age 12 and has been involved in sexual activity with a person age 19 or older
- The minor is under age 16 and has been involved in sexual activity with a person age 25 or older

ACCESS TO MEDICAL RECORDS

- Parents/guardians can access minors' records, but provider may use discretion to prohibit parent/guardian access if it is not in the minor's best interest

**If maximum privacy and confidentiality is important to the adolescent, then family planning clinics offer the maximum safeguards.**