

## 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**
- **Examinations related to sexual assault** (the law states that a written notice shall be given to parent/guardian after the examination takes place)
- **Care for independent minors**
  - Legally married minor
  - Enrolled in military service

#### Specific health care services related to:

- Sexual health       Substance use treatment       Mental health

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

- Testing and treatment for sexually transmitted infections (includes HIV testing only)
- Substance and alcohol abuse treatment (if the minor is 12 years or older)
- Outpatient mental health care if it doesn't require medication (if the minor is 14 years or older; if the treatment spans more than 30 days or 6 visits, parental notification is required)

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

- Vaccines, including HPV
- Mental health medications
- Abortion services (unless the minor obtains a judicial bypass waiver)
- HIV treatment

#### 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 16 and has been involved in sexual activity with a person aged 18 or older

#### THE LAW DOES NOT HAVE GUIDANCE EXPLICITLY FOR:

- Contraception or emergency contraception for non-Title X funded clinics
- Pregnancy testing or pregnancy related-care.
- Access to HIV prevention through pre-exposure prophylaxis (PrEP)
  - Ohio 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.

## Ohio Consent for Treatment

- 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 Ohio Department of Health HIV Prevention Program at (614) 995-5599.
- Conditions to determine mature minors or a judicial system for minor emancipation that in would result in minors consenting for their own health care

*Providers may choose to provide these above services without parental consent if in the opinion of the practitioner, the teen has capacity to consent.*