

## Confidentiality and Minor Consent Laws

### For Educational Purposes Only

#### PARENT/GUARDIAN CONSENT EXCEPTIONS

A parent or 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, age, 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:

- Married -OR-
- Serving in the military -OR-
- Legally emancipated

**Minor Consent Based on Age:**

- Minors **16 or older**:
  - can consent to **any** health care services that do not require an operation
  - consent to an operation if it is **essential to their health or life** in the opinion of the performing physician and a consultant physician if one is available
- Minors **under 16**:
  - can consent to health services of **any kind** when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary.
    - If the health services involve an operation, it can only be performed only if it is **essential to their health or life** in the opinion of the performing physician and a consultant physician if one is available

**Minor Consent Based on Service: Patients under 18 may consent to the following WITHOUT parental consent:**

- Pregnancy testing and prenatal care, other than abortion
- Family planning and contraceptive care
- STI testing and treatment for minors age 16+
- HIV/AIDS testing and treatment for minors age 16+\*
- Treatment for substance use
- Outpatient mental health services
- Emergency care if:
  - the proposed surgical or medical treatment is reasonably necessary (according to competent medical judgment)
  - a person authorized to consent is not readily available and
  - any delay in treatment would jeopardize the minor's life or health

\*South Carolina 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 South Carolina Department of Health and Environmental Control about PrEP-related inquiries at [PrEPMeSC@dhec.sc.gov](mailto:PrEPMeSC@dhec.sc.gov).

Minor Consent Based on Funding Source (Medicaid or Title X):

- Under Medicaid, patients of child-bearing age (i.e. past the age of puberty) may receive all FDA-approved contraceptive methods (except for sterilization) without parental consent. Minors with Medicaid who are accessing contraception have a right to confidentiality under federal law.
- Under Title X, adolescents of any age can receive a range of contraceptive methods and counseling services and are entitled to confidentiality for these services.