

A **minor** is a person under the age of 18.

Facilitating Communication

- **Initiate** conversations with adolescents about **their right** to confidential health care.
- **Discuss** if and how **a minor's parents** or guardian **will be involved** in his/her care.
- **Establish** trusting **relationships** with patient and parent, and discuss **confidentiality** with each party **individually**.
- **Encourage** the adolescent **to involve a parent** or another trusted adult whenever possible.
- **Be sensitive to minors** who identify as gay, lesbian, bisexual, transgender or questioning. These minors are at a **higher risk** for discrimination, violence against them **and HIV infection** than other adolescents.

Improving Adolescents' Access to Reproductive Health Care

1. Know the laws surrounding minors' access to confidential care. Help young people to understand their rights and options.
2. For reproductive health services, the consent comes from the minor only. Information regarding the procedure or treatments can be given or withheld to the spouse, parent, custodian or guardian.
3. Become aware of clinics and/or programs in your area that offer confidential reproductive health care to minors.
4. Take steps to prevent the unlawful disclosure of confidential information, including:
 - a. *Ask patients for alternative contact information (if they do not want to be contacted at home).*
 - b. *Discuss billing and alternative forms of payment with the minor patient (e.g., cash is the most confidential/safest payment method). Insured patients may have benefits information sent to their parents.*
 - c. *Seek further counsel if you are uncertain about the requirements regarding the disclosure of medical records.*

Developed By:



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South Carolina Minor's Access to Confidential Reproductive Healthcare



Minor's Consent

A minor may consent to confidential health services to prevent pregnancy, including:

- Contraceptive care and counseling
- Emergency contraception (EC)

Informed Consent

A minor who understands the risks, benefits and proposed alternatives to certain health services outlined in this brochure may give informed consent. Informed consent must be voluntary, may be verbal or written and should be noted in the patient record.

Confidentiality

Fear of disclosure prevents some minors from seeking services. When young people are assured that providers will respect their right to confidentiality, they are more likely to seek care, especially reproductive and sexual health care.

Parents in Prevention

It is usually helpful for a young person to talk with a parent or a supportive adult when making health care decisions. Whenever possible, open communication with a parent or guardian should be encouraged, but open communication with parents is not always possible for young people. Some cannot involve their parents because they come from homes where physical violence, sexual abuse or emotional abuse are prevalent. For these and other reasons, young people may receive a broad range of health services, including confidential reproductive health care as outlined in this brochure, without telling their parents or needing permission.

Emergency Contraception

Emergency contraception (also known as the morning-after pill) is a form of contraception. Pharmacies have begun offering levonorgestrel-based EC to men and women directly over the counter. EC products can be effective up to 120 hours following unprotected intercourse; however, women are urged to take EC as soon as possible to maximize efficacy. The National EC Hotline (www.not-2-late.com) offers information on EC options. Minors do not need parental consent to obtain EC, and confidential services may be provided.



Pregnancy, Prenatal Care & Childbirth

A minor may consent to all health care services related to pregnancy, including pregnancy tests, birth control options counseling and labor and delivery services, without notifying a parent (unless she chooses to do so). A minor parent may consent to all medical care for his/her child.

A provider is not allowed to disclose medical records or other information regarding health care services related to family planning, pregnancy and childbirth to parents without the patient's consent.

Sexually Transmitted Infection (STI) Care

Any minor may consent to testing and treatment for an STI without a parent or guardian's consent. Some STIs must be reported to the Health Department. Refer to the disease reporting card for specific conditions.

HIV/AIDS Testing & Treatment

The testing physician is not required to report a positive result to a parent or guardian. If a test is positive, the counselor or physician should discuss the desirability of the minor to disclose this information to their parent or guardian. Positive results must be reported to the Health Department.

Substance Abuse

A minor may consent to medical services and counseling related to substance abuse. Parental consent is not required for outpatient treatment.

Emergency Care

In cases of emergency, consent to medical care is implied. "Emergency" means a situation in which 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.

Please note: This publication is intended as a guide and does not provide individual legal assistance. Please check with your legal counsel for site-specific clarification about confidentiality and disclosure issues, including any new policies related to the HIPAA privacy rule.