

## Situations to Address in Your Minor Consent/Treatment Policies

Providers treating minors should have a detailed policy that complies with federal and state laws outlining the care minors can consent to without needing a parent or guardian's consent and outlining the age and/or circumstances when minors are able to consent to care.

Your policies should also address frequent situations that can arise in the treatment of minors, including when trying to obtain parent or guardian consent. Areas your policy should address include:

### 1. Unaccompanied Minors

- How will you obtain parent/guardian consent when required?
- Can parents/guardians sign a form consenting in advance to any care/treatment provided to the minor when he/she presents unaccompanied and parent/guardian consent is required (i.e., it is not a service the minor can consent to on their own)?
- Can a parent/guardian consent over the phone and how do you document the verbal consent?
- Are you using a hybrid approach where you allow a parent/guardian to sign a form consenting in advance to care/treatment of the child but the provider also attempts to contact the parent/guardian via phone? What happens if the parent/guardian is unavailable?
- How do you flag internally the consent that's on file for the minor and any future revocation of that consent?
- At what age may a minor attend an appointment unaccompanied by an adult?
- If you make an exception to the age requirement, what form(s) may be required for the parent/guardian to sign acknowledging risks?
- How will you handle situations where the minor presents and indicates they have no parent or legal guardian? Who do you contact? What measures, if any, will you take?

### 2. Minors Accompanied by Adults Other Than a Parent or Guardian

- How does a parent/guardian provide written authorization directing the provider to rely on the consent of another adult?
- Does this authorization form address any restrictions or allow parents/guardians to provide restrictions such as when it applies?
- How do you address payment/financial responsibility in the form and ensure the parent/guardian is acknowledging responsibility for payment of any services provided in reliance on another adult consenting to those services?

### 3. Patient Portals & Minor Health Information

- Can minors access their own information via the portal?
- Do parents/guardians have proxy access and if so, is minor consent required for proxy access?
- Is the portal able to segregate information about care minors consented to on their own which should not be accessible by parents/guardians? If not, how does this impact the parent/guardian's access rights?
- How are parents/guardians and minors educated about the information that is or is not available on the portal and your portal policies relating to minor health information?
- How are parents/guardians and minors educated about how parents/guardians can access information through alternative means, such as contacting the provider to obtain copies?

### 4. Disputes Between Parents/Guardians

- Under state law, how can a parent/guardian lose the right to consent to care for the minor or access the minor's records?
- How will you determine whether a parent/guardian has lost consent/access rights for a minor? What documentation will you require?
- How will you respond to a request from a parent/guardian to withhold information from another parent/guardian?
- What procedures are followed when a minor requests that information not be provided to a parent/guardian for a service a parent/guardian is required to consent to?
- Who should these issues be addressed to internally or how should staff respond?