

## MINORS AND CONSENT TO TREATMENT

In the state of Connecticut, minors are allowed to receive care and treatment **without** parental consent for the following medical services:

Sexually Transmitted Infections (STI's): A minor does not need parental consent for testing and treatment of STI's. Your health care provider must keep the information confidential, including the sending of a bill for services. This information will be reported to the local Department of Public Health for reporting purposes but will be kept confidential.

**\*If the minor is under 12 years of age, the health care provider must report the name, age, and address of the minor to the commissioner of the Department of Children and Families (DCF).\***

Reproductive Health Care: A minor may obtain GYN care, non-permanent birth control such as birth control pills, IUDs, implants, reproductive health counseling (up to 6 sessions; at that time notification is required under certain circumstances), pregnancy testing and/or care and postpartum care without the consent of a parent or guardian.

Drug or Alcohol Dependence: A minor does not need parental or guardian consent for treatment of drug or alcohol dependence. Parents or guardians cannot be informed of the treatment without the minor's permission.

HIV Testing: A minor is allowed to be tested for HIV without parental or a guardian's consent. A parent's or guardian's consent is needed in order to examine or treat a minor infected with HIV or AIDS **unless** the physician determines the notification will result in denial of treatment or the minor will not start or continue treatment if parents or guardians are notified without the minor's consent.

Abortion Services including Emergency Contraception ("morning after pill): A minor may obtain an abortion and the morning after pill without parental consent. The morning after pill can only be obtained with a prescription.

A person under 16 years of age must receive specific pregnancy information and counseling prior to any abortion services. The counselor must discuss the possibility of involving the parents or another adult family member in the minor's decision about the pregnancy. The option to involve the parents or guardians should also be discussed.

\*This required counseling does not mean abortion services will not be provided to the minor. She is still able to obtain these services without her parents' or guardians' consent.\*

Mental Health Treatment: A minor may receive a minimum of 6 outpatient mental health treatment sessions without a parent's or guardian's consent or notification if:

- Requiring consent or notification would cause the minor to reject the treatment
- The treatment is clinically indicated
- Failure to provide treatment would be seriously detrimental to the minor's well-being
- The minor has knowingly and voluntarily sought it
- The minor is mature enough to participate in treatment productively

## “PAYING FOR TREATMENT”

Often times, minors are covered under their parents’ or guardians’ health insurance which pays for health care services. It is important to know the insurance company will send the insurance policy holder, usually the parent(s) or guardian(s), an EOB or explanation of benefits. The EOB shows some confidential information such as the name of the patient, the care provided and the cost of the care. If a minor does not want their health care services information revealed through the EOB, she can choose to pay for the care directly.

It is important to know health care insurances will cover most medical expenses but not all. For those health care services that are not covered, **the patient is responsible for paying the costs and expenses for services received.** An uninformed parent or guardian **is not** responsible for treatment costs not covered by insurance. If the services will be too expensive, the minor should seek care at free or low-cost health care facilities. Under the Affordable Care Act, the following services are examples of what may be free for minors depending on their insurance plan:

- Preventive screening and counseling for STI’s
- HIV testing
- Cervical Cancer screening
- Birth control counseling and birth control prescriptions
- Screening for interpersonal violence
- Counseling for depression
- Counseling for substance abuse

## PARENTAL RIGHTS TO A MINOR’S MEDICAL RECORDS

Although there is no Connecticut state law that governs parental access to the minor’s protected health information, HIPAA regulations give health care providers discretion to grant or deny the parent or guardian access to the record. Under HIPAA regulations, parents can generally have access to and the right to control their minor’s health record except. When one parent has legal custody of the minor, the non-custodial parent maintains the legal right to obtain the medical records unless there is an order from the Superior Court stating otherwise. In the case of joint custody, both parents can have access to medical records. An exception to this is:

1. A situation where the minor legally obtained services without parental or guardian consent. *\*The minor’s voluntary involvement of a parent or guardian does not change the minor’s right to control the related health information.\**
2. If the parent or guardian agrees the minor and health care provider may have a confidential relationship. *\*The parent or guardian may decide they want to know the health information being discussed.\**
3. If allowing the parent or guardian to have access to the medical records will endanger the minor.

## DEFINITIONS

**Minor:** A person under the age of eighteen years.

**Informed Consent:** Is an explanation of the treatment that will be provided. This includes the purpose of the treatment, the risks and benefits of the treatment and alternative treatments including no treatment. You as the patient must verbalize understanding of the treatment and voluntarily agree to the treatment or suggested treatment. Your medical provider will obtain a signed consent as receipt of your understanding.

**Parental Consent:** Consent of a parent or legal guardian. Only one parent need to give consent. In the case of joint legal custody, both parents share the responsibility for medical decision making. A legal sole custodian has the ultimate authority to make all medical decisions.

**Confidentiality:** Information related to the specific care and treatment a minor is allowed to receive without parental consent is kept between the minor and the health care provider. The information cannot be shared without the minor's written permission.

*\*There are special circumstances where confidential information may be revealed to parents or guardians or proper authorities such as law enforcement or the Department of Children's and Families (DCF)\*.*

**Emancipated Minor:** A person 16 or 17 years of age who is voluntarily free from the care and control of their parents. This includes no longer receiving shelter, food or financial support from the parents. In Connecticut, becoming emancipated is only done through the court system.

**Mature Minor:** A minor who judicially is recognized as a person possessing cognitive ability and comprehension. This is not based on chronological age.

**HIPAA:** Stands for the Health Insurance Portability and Accountability Act of 1996. These are rules that give you rights to know and control how your private health information gets used. Under HIPAA laws you can, ask for copies of your health information, make appropriate changes to your record and must give consent to share your health information. As your health care provider, we will abide by all HIPAA laws and protect your health information as required by law.

**Mandated Reporter of Abuse/Neglect:** Professionals who are required by law to report suspected child abuse and/or neglect or report a risk of harm to a minor. As your health care provider, we will report child abuse or neglect or suspected child abuse and/or neglect to appropriate authorities as required by law.

**Mandated Reporter of Sexual Activity (Statutory Rape):** Regardless if permission was given, we are required by law to report when a person 13 years of age but under 16 has engaged in sexual activity with someone who is 3 or more years older OR when a person is under 13 years of age who has engaged in sexual activity with someone who is 2 years older. Also, in some cases, when an older person has a position of power or influence over a person under 18, sex or sexual contact between those two people can be statutory rape. Examples of this would be any sexual contact between someone under 18 and his/her guardian, coach, probation officer, therapist, employer, or someone who works at a school in her district.

## RESOURCES AND ADDITIONAL INFORMATION

Center for Children's Advocacy "Teen Legal Rights"

[www.kidscounsel.org](http://www.kidscounsel.org)

860-570-5327

203-335-0719

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Connecticut General Statutes

[www.cga.ct.gov/asp/menu/statutes.asp](http://www.cga.ct.gov/asp/menu/statutes.asp)

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CT Info Line

[www.211ct.org](http://www.211ct.org)

211

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Healthfinder.gov

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HIPAA Medical Privacy

[www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa)

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Office for Civil Rights, U.S. Department of Health and Human Services

[www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa)

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Your health care provider

This brochure is intended to serve as a guide for teens and parents. It serves to address the details of Connecticut's health care law as it relates to youth. It provides teens and their parents with information to help teens receive the medical care they need and deserve.

This brochure is also to educate parents or guardians the legal rights of teens so parents/guardians can be better advocates for the teen's health. It is our hope that, by educating both parents/guardians and child, we will encourage communication about these issues where it might not have existed before.