



ALASKA

MINOR CONSENT AND CONFIDENTIALITY LAW

For educational purposes only

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ADOLESCENT
HEALTH INITIATIVE

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CASE SCENARIO CHEYENNE, 15 Y/O GIRL



PURPOSE OF VISIT

Sore throat

ISSUE THAT EMERGES FROM CLINICIAN INTERVIEW

Concerned about having an STI

PARENT INFORMATION

Shay says she is worried her mother will kick her out of the house if she knows Shay is sexually active

How does the right to confidentiality help or hurt Cheyenne?



CONSENT

- Permission to act
- Parent/guardian must give consent before their minor child can receive services (except specific confidential services)

CONFIDENTIALITY

- How providers and staff keep certain information confidential

Consent \neq Confidentiality

AK LAW PARENTAL 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.

The exceptions are based on either:

- The minor's **status** (independence from parents/guardians), or
- The **type of service requested** (such as certain sexual and reproductive health services).

- A minor may consent to health care services without a parent/guardian's permission if:
 - The minor is emancipated due to court order
 - The minor is living apart from the parent or guardian and is managing his or her own finances

Are there any questions?

Minors may receive the following care **without** parental/guardian consent:

1. Emergency care
2. Prevention, diagnosis, and treatment of pregnancy
3. Diagnosis and treatment of venereal disease and other sexually transmitted infections (including HIV)
4. Abortion
5. Any medical service if:
 - The parent or legal guardian cannot be reached
 - The parent or legal guardian, when reached, refuses to provide or withhold consent

HPWACCINES & MENTAL HEALTH MEDS Sparks



Providers must override a minor's confidentiality and report if:

- If there is suspicion of child abuse or neglect, including
 - Physical injury or neglect;
 - Mental injury
 - Sexual abuse
 - Sexual exploitation
 - Maltreatment

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Cheyenne says she is worried her mother will kick her out of the house if she knows Cheyenne is sexually active



1. Can Cheyenne receive STI testing *without her parent's permission?*
2. Can she receive STI treatment?
3. Can she receive preventive care, such as a HPV vaccine? What about condoms or other contraception?

In general, a minor's parent/legal guardian is authorized to access the minor's medical records.

However, a minor's **confidentiality must be protected** if:

1. The parent/guardian's consent was not required for the service.
2. The parent/guardian consented to a confidential relationship between the minor and health care provider.

CASE SCENARIO: TOBI, 17 Y/O BOY



PURPOSE OF VISIT

Well visit

ISSUE THAT EMERGES THROUGH CLINICIAN INTERVIEW

States to clinician that he's ready to get treatment for a substance use disorder

PARENT INFORMATION

Doesn't want to disappoint parents

Is Tobi allowed to get outpatient counseling for substance use without a parent's consent?



THANK YOU!



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