PRIVACY RIGHTS OF MINORS

SCOPE OF POLICY

This policy applies to all staff, employees, contractors/consultants, interns and students.

STATEMENT OF POLICY

This policy talks about the rights minors have. A minor is someone who is under the age of 18. This policy only talks about minors who are NOT emancipated from their parents. That is a court decision. In those cases, the court decides that a minor can make their own decisions instead of their parents.

Minors who are married or who have children are also considered emancipated. A woman under 18 who is pregnant is also emancipated regarding any type of medical care about her pregnancy or the baby.

Emancipated minors are treated like adults as far as HIPAA goes. There needs to be something in writing in their chart that explains why they are emancipated. If the courts decided that, then there should be a document from the court.

For minors who are not emancipated, their parent or guardian makes decisions about their PHI for HIPAA. This means that they do things like confirm they got our HIPAA notice and sign for the minor. However, there are a couple of exceptions to that.

In some cases, the minor has the right to privacy around health care. In these cases, the parent or guardian doesn’t need to be told. Example: a minor can be diagnosed and treated for a sexually transmitted disease or condition without permission from the parent or guardian. They parent or guardian also don’t have a right to know about this. In other cases, the parent or guardian agrees to give the minor privacy around a certain type of health care.

In some cases, the CEO, COO, program VP or VP for Quality and Compliance can choose not to let a parent or guardian make decisions or have access to PHI. Specifically, if they believe that the minor might be hurt, abused or neglected if they give the parent access. Another reason could be that they decide it’s just not in the minor’s best interest. When this happens, the minor has control over their PHI.

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