



CONSENT FOR CARE AND CONFIDENTIAL HEALTH INFORMATION

Michigan Laws Related to Right of a Minor to Obtain Health Care Without Consent or Knowledge of Parents

Laws regarding consent to medical and surgical care by minors.	Is parental consent required?	Is parental access to the minor's information permitted?
<p>General Rule: A minor is a person 17 years or younger Emancipation of Minors Act, MCL 722.1; Age of Majority Act, MCL 722.52.</p>	<p>Required</p>	<p>Yes</p>
<p>Emancipation/Emancipated Minor Emancipation of Minors Act, MCL 722.1 –722.6</p> <p>1. An emancipation occurs by court order via a petition filed by a minor with the family division of circuit court.</p> <p>2. An emancipation also occurs by operation of law under any of the following circumstances:</p> <ul style="list-style-type: none"> • When a minor is validly married. • When a person reaches the age of 18 years. • During the period when the minor is on active duty with the armed forces of the United States. <p>Emancipation/Emancipated Minor</p>	<p>Not required</p>	<p>No</p>

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<p>Continued</p> <ul style="list-style-type: none"> • For the purposes of consenting to routine, nonsurgical medical care or emergency medical treatment to a minor, when the minor is in the custody of a law enforcement agency and the minor's parent or guardian cannot be promptly located. • For the purposes of consenting to his or her own preventive health care or medical care including surgery, dental care, or mental health care, except vasectomies or any procedure related to reproduction, during the period when the minor is a prisoner committed to the jurisdiction of the department of corrections and is housed in a state correctional facility; or the period when the minor is a probationer residing in a special alternative incarceration unit. 		
<p>Abortion The Parental Rights Restoration Act, MCL 722.901 – 722.909</p>	<p>Required</p> <ul style="list-style-type: none"> • Written consent of one parent/legal guardian or a judicial waiver (court order) of parental consent from probate court. • Minors also must comply with the 24-hour waiting period prior to obtaining an abortion. 	<p>Yes, unless a judicial waiver.</p>

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<p>Birth Control</p> <ul style="list-style-type: none"> • There are no specific MI statutes on this issue; this is a Federal Constitutional “right of privacy.” • Title X Agencies: Family planning agencies funded under Title X of the Public Health Service Act, must provide family planning information and contraceptives without regard to age or marital status. 42 CFR 59.5. 	<p>Provider discretion applies for providers not funded by Title X</p> <ul style="list-style-type: none"> • There are no specific MI statutes on this issue; this is a Federal Constitutional “right of privacy.” • Generally, practitioners must be aware that there is no statutory authority or protection for their actions. • Title X Agencies: Minors may obtain information and contraceptives without parental consent. • Title X Agencies: <u>To the extent practical</u>, funded agencies shall <u>encourage</u> minors to include their families, however, this is not mandatory in order to obtain services. 42 USC §300(a). 	<p>Provider discretion applies for providers not funded by Title X</p> <ul style="list-style-type: none"> • There are no specific MI statutes on this issue; this is a Federal Constitutional “right of privacy.” • Generally, practitioners must be aware that there is no statutory authority or protection for their actions. • Title X Agencies: Parental access to minor's information not permitted without the minor's documented consent, except as may be necessary to provide services to the patient or as required by law. 42 CFR 59.11.
<p>Emergency Care</p> <ul style="list-style-type: none"> • Parent or guardian consent is required. 	<p>Required, other than life-threatening circumstances, immediate medical attention needed, and parents cannot be located.</p>	<p>Yes</p>
<p>Mental Health – Inpatient Care Mental Health Code, MCL 330.1498d</p> <ul style="list-style-type: none"> • Parents may admit for inpatient care. • Minor may consent to limited inpatient care if 14 years or older. 	<p>Required</p> <ul style="list-style-type: none"> • A minor of any age may be hospitalized for mental health reasons if a parent/legal guardian or agency requests and the minor is found to be suitable for hospitalization. • A minor of <u>14 years or older may request</u> and if found suitable be hospitalized. 	<p>Yes</p>

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<p>Mental Health – Inpatient Care continued</p>	<ul style="list-style-type: none"> Suitability, in either case, shall not be based solely on one or more of the following: epilepsy; developmental delay; brief periods of intoxication; juvenile offenses; or sexual, religious or political activity. 	
<p>Mental Health – Outpatient Care Mental Health Code, MCL 330.1707</p> <ul style="list-style-type: none"> Minor may consent to limited outpatient care if 14 years of older. 	<p>Not required</p> <ul style="list-style-type: none"> A minor age 14 or older may request and receive up to 12 outpatient sessions or four months of outpatient counseling. 	<p>Provider discretion applies.</p> <ul style="list-style-type: none"> Information <u>may</u> be given to parent, guardian, or person in loco parentis for a <u>compelling</u> reason based on a substantial probability of harm to the minor or to another individual; mental health professional must notify minor of his/her intent to inform parent.
<p>Prenatal and Pregnancy-Related Health Care Public Health Code, MCL 333.9132</p> <ul style="list-style-type: none"> Minor may consent to maintain life and preserve health of the minor or the minor's child or fetus. 	<p>Not required</p> <ul style="list-style-type: none"> The consent of any other person, including the father of the baby or spouse, parent, guardian, or person in loco parentis, is not necessary to authorize health care to a minor or to a child of a minor. At the initial visit permission <u>must</u> be requested of the patient to contact her parents for any additional medical information that may be necessary or helpful. 	<p>Provider Discretion Applies</p> <ul style="list-style-type: none"> Before providing care the patient must be informed that notification may take place. For medical reasons information <u>may</u> be given to or withheld from spouse, parent, guardian or person in loco parentis without consent of the minor and notwithstanding her express refusal to the providing of the information.

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<p>The provision of health care for a child of the minor Public Health Code, MCL 333.9132</p> <ul style="list-style-type: none"> Minor may consent to maintain life and preserve health of the minor or the minor's child or fetus. 	<ul style="list-style-type: none"> The <u>minor mother</u> shall consent to care for her child. The <u>consent of any other person</u>, including the father of the baby or spouse, parent, guardian, foster parent, is <u>not necessary</u> to authorize health care to a child of a minor. 	<p style="text-align: center;">Minor Mother</p>
<p>Substance Abuse Services Public Health Code, MCL 333.6121</p> <ul style="list-style-type: none"> Minor may consent 	<p style="text-align: center;">Not required</p>	<p>Provider discretion applies.</p> <ul style="list-style-type: none"> For <u>medical reasons</u> information as to the treatment given or needed, <u>may</u> be given to or withheld from the spouse, parent, guardian or person in loco parentis without consent of the minor and notwithstanding the express refusal of the minor to the providing of the information.
<p>Venereal Disease / HIV Public Health Code, MCL 333.5127, MCL 333.5133, and MCL 722.623.</p> <ul style="list-style-type: none"> Minor may consent to medical or surgical care for diagnoses and treatment of a venereal disease or HIV. Reportable as reasonable cause to suspect <u>child abuse</u> if pregnancy or venereal disease found in child over <u>1 month but less than 12 years of age</u>. 	<p style="text-align: center;">Not required</p>	<p>Provider discretion applies as to the treatment given or needed.</p> <ul style="list-style-type: none"> For <u>medical reasons</u> information as to the treatment given or needed, <u>may</u> be given to or withheld from the spouse, parent, guardian or person in loco parentis without consent of the minor and notwithstanding the express refusal of the minor to the providing of the information.

Other Michigan Laws Related to Right of a Minor to Obtain Health Care Without or Consent of Knowledge of Parents

<p>Reporting of Abuse or Neglect Child Protection Act, MCL 722.622, MCL 722.623</p> <ul style="list-style-type: none"> The following individuals are <u>required</u> to report suspected “<u>child abuse or neglect</u>” to Child Protective Services: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> audiologist certified social worker dentist law enforcement officer licensed professional counselor marriage and family therapist medical examiner member of the clergy nurse person licensed to provide emergency medical care physician </td> <td style="width: 50%; vertical-align: top;"> physician's assistant psychologist registered dental hygienist regulated child care provider school counselor or teacher school administrator social worker social worker technician </td> </tr> </table>	audiologist certified social worker dentist law enforcement officer licensed professional counselor marriage and family therapist medical examiner member of the clergy nurse person licensed to provide emergency medical care physician	physician's assistant psychologist registered dental hygienist regulated child care provider school counselor or teacher school administrator social worker social worker technician	<ul style="list-style-type: none"> “Child abuse” means harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, <u>by a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.</u> “Child neglect” means harm or threatened harm to a child's health or welfare <u>by a parent, legal guardian, or any other person responsible for the child's health or welfare</u> that occurs through either of the following: <ul style="list-style-type: none"> (i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care. (ii) Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk. For reporting purposes, pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age <u>is reasonable cause to suspect child abuse and neglect have occurred.</u>
audiologist certified social worker dentist law enforcement officer licensed professional counselor marriage and family therapist medical examiner member of the clergy nurse person licensed to provide emergency medical care physician	physician's assistant psychologist registered dental hygienist regulated child care provider school counselor or teacher school administrator social worker social worker technician		
<p>Medical Records Access Act, MCL 333.26261-MCL 333.26271</p> <ul style="list-style-type: none"> Provides for and regulates access to and disclosure of medical records. 	<ul style="list-style-type: none"> Under this act, a minor’s parent, guardian, or person acting in loco parentis has the right to review and obtain a copy of the minor’s medical record, <u>unless the minor lawfully obtained health care without the consent or notification of a parent, guardian, or other person acting in loco parentis, in which case the minor has the exclusive right to exercise the rights of a patient under this act with respect to those medical records relating to that care.</u> 		

Availability of Laws on the Internet:

Michigan Statutes: www.legislature.mi.gov

Federal Statutes <http://uscode.house.gov/search/criteria.shtml>

Federal Regulations: <http://ecfr.gpoacss.gov>

Matrix information compiled by the Michigan Department of Community Health, Office of Legal Affairs (OLA), May 23, 2006
OLA thanks the Henry Ford Health System for providing the original matrix that served as a model for this matrix.

Disclaimer:

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