

Minor Consent For Care And Confidential Health Information

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

| Laws regarding consent to medical and surgical care by minors. | Is parental consent required? | Is parental access to the minor's information permitted? |
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| <p>General Rule:</p> <p>A minor is a person 17 years or younger</p> <p>Emancipation of Minors Act, MCL 722.1; Age of Majority Act, MCL 722.52.</p> | <p>Required</p> | <p>Yes</p> |
| <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>Venereal Disease / HIV</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>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. |



Teen Pregnancy Prevention Initiative

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| <p>Prenatal and Pregnancy-Related Health Care</p> <p>Public Health Code, MCL 333.9132</p> <p>Minor may consent to maintain life and preserve health of the minor or the minor's child or fetus.</p> | <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/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. |
| <p>Abortion</p> <p>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>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> |
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| <p>Availability of Laws on the Internet:</p> | <p>Michigan Statutes: www.legislature.mi.gov</p> <p>Federal Statutes: http://uscode.house.gov/search/criteria.shtml</p> <p>Federal Regulations: http://ecfr.gpoaccess.gov</p> |
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