



Mind Menders

Guide for Pediatricians

Visit the Ohio Chapter, American Academy of Pediatrics Web site at www.ohioaap.org

Teen health, consent and Ohio Law

Access, Communication, and Confidential Care

- Teens may delay or avoid medical care if not confidential.
- The AMA in 1993 affirmed that confidential care was critical to improving adolescent health.
- Pediatricians should discuss confidential care with families early in a child's development and during the early teen years.
- Written communication about confidential care practices in your office may be useful for families.

Definitions

- Mature minor: Judged by practitioners to possess capacity to give informed consent, generally older than 15 years.
- Emancipated minor: Generally includes marriage, military services, living apart from parents, self-supporting. (Ohio has no statute.)

Example

John is a 16-year-old and requests treatment for STD, can he obtain treatment in your office?.... Yes, but the teen may be responsible for the cost.

Teens and Confidentiality

In general, a medical practitioner may not disclose private information without the consent of the parent. When a minor consents to his or her own health care, personal health information may not be disclosed without permission. When a parent or guardian gives consent, information about diagnosis and treatment is usually disclosed. Under some circumstances, information must be disclosed to courts, law enforcement authorities or third-party payers. Imminent danger to self or others is one circumstance requiring disclosure. Special confidentiality policies, such as anonymous testing and mandatory disclosure regulations apply to HIV/AIDS.

When Teens May Consent

- Minors can request diagnosis and treatment of an STD without parental consent (all 50 states).
- Minors may seek contraception without parental consent if, in the opinion of the practitioner, the teen is sufficiently mature to give consent.
- There is no law specifically addressing the rights of a pregnant minor or a minor who is also a parent in Ohio.
- For most minors, except those who are married, Ohio law requires that a parent receive at least 24 hours notice of a teen's intent to have an abortion
- A minor who is at least 14 may request out-patient mental health care if it doesn't require medication. If the treatment spans more than 30 days or six visits, parental notification is required.
- A minor 12 or older may receive alcohol or substance abuse treatment without parental consent or notification.

For more information see the Center for Adolescent Health and the Law at www.cahl.org

Supported through a grant from
Ohio Department of Alcohol and Drug
Addiction Services

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Guide for Teens, Families and Caretakers

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Health Care Rights of Teens

- You have the human right to be treated with respect and to be able to express your views.
- You have a right to access the highest attainable standard of health care.
- You have the right to protection against violence, abuse, and neglect.
- You have the legal right to informed consent and privacy.
- Finally, you may seek health care without the consent of your parent in specific situations.

Teen Health and Privacy

Medical confidentiality means that information about health-care diagnosis and treatment will be kept only between the patient and the practitioner and not be made available to anyone else, including parents. This means that in some circumstances, teens can obtain information and receive treatment without parents finding out. In these cases, the doctor or practitioner has to ask the teen's permission to disclose private information to anyone.

Sexual Health

- Teens can be tested and treated for sexually transmitted diseases without a parent finding out. However, teens will be responsible for the cost of the treatment if they don't want their parents to know.
- Teens also have the right to obtain information about birth control, consent to examination and receive medications (including birth control pills). Teens may obtain emergency contraception without parental permission.
- If a teen becomes pregnant, parents may need to give consent for prenatal care and any procedures.
- Language under the Ohio law requires parental consent for abortion but also allows teen-agers to obtain from a judge permission for the abortion without parental consent.

Behavioral Health

- In Ohio, a person who is at least 14-years-old can seek counseling or psychotherapy from a mental health professional for up to 30 days or six sessions without the consent of parents. Medications are not allowed without the consent of parents.
- Therapists are required to notify parents or guardians if the practitioner believes that the teen is about to harm someone. Even then, the teen must be told that confidentiality will be broken.

Violence

Teens may seek protection from domestic violence by contacting the police and by obtaining a restraining order from the county Court of Common Pleas. If a teen is raped, sexually assaulted or abused, a teen may consent to an examination by a physician for the purpose of gathering evidence.

For more information about these topics visit "Your Health and the Law: A Guide for Teens" at www.acluohio.org

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