



The Hidden Dangers of Caring for Minors

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Accreditation & Designation Statements

For nursing the number of credits designated is the number of credits awarded

Copic is accredited as a provider of Continuing nursing education (CNE) by the American Nurses Credentialing Center's Commission on Accreditation (ANCC). This activity was designated for 1 nursing contact hours.

Process for Claiming Credit

In order to earn CNE credit learners should complete the evaluation questions that will assess if nurses have learned the most important recommendations and conclusions from this course. Each LIVE activity consists of the full participation of the learner, and a course evaluation. The evaluation will open after the learning activity is completed.

Process for Completing the Activity:

1. Read the target audience, learning objectives, and financial disclosures.
2. Complete the LIVE educational activity.
3. Complete the activity evaluation on Copic's LMS platform and/or Survey Monkey

It is estimated that this activity will take approximately 1 **hours** to complete.

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Who is a minor?

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- Usually, a “minor” has not attained the age 18, (19 in Nebraska and Alabama, and 21 in Indiana, Mississippi, New York and Colorado, but “of full age” at 18 in Colorado for medical consent).
- The age of majority is when young people are considered adults for most matters

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A competent person at the age of majority may . . .

- Enter into a contract and be legally bound
- Manage his or her estate
- Sue and be sued
- Make decisions in regard to his or her body and that of his or her children

“Legal custody”



- Right to care, custody, and control of a child
- Duty to provide food, clothing, shelter, and ordinary medical care
- Authorize surgery and other extraordinary care
- ***“Legal custody” may be taken from a parent only by court action***
- ***Guardians and MDPOA***

Divorced parents

- Modern trend: Courts allocate “parental responsibilities” rather than custody
- Joint Custody more common in Neb.
- Parental authority for medical decisions is typically extended to both parents
- In absence of court order, assume either parent may authorize medical treatment
- A parent with parental responsibilities may access medical records of minor



Delegation of parental power

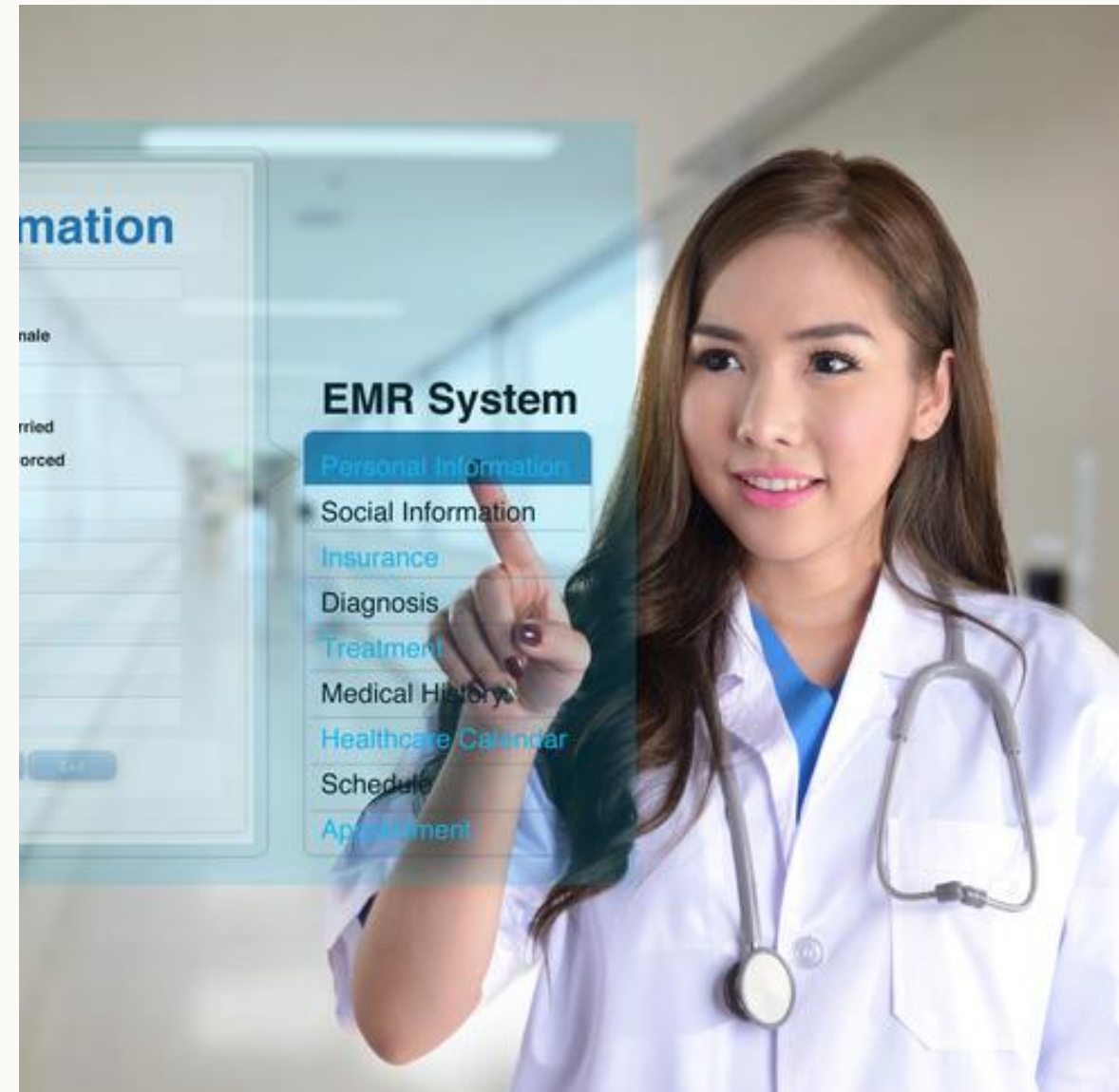
Power of Attorney

- A parent may usually delegate to another person, for up a specified period of time (6 months or 12 months most common), any of his or her powers regarding care and custody of a minor, including the power to consent to medical care and treatment



HIPAA

- May disclose or allow access to minor's PHI when state or other law permits or requires disclosure.
- If law prohibits disclosure, provider may not disclose PHI
- If law is silent, may provide or deny access if it's consistent with other law (professional judgment)
- May choose not to treat parent as personal representative in case of abuse or neglect if, in professional judgment, it is in patient's best interest



Confidentiality & access to medical records

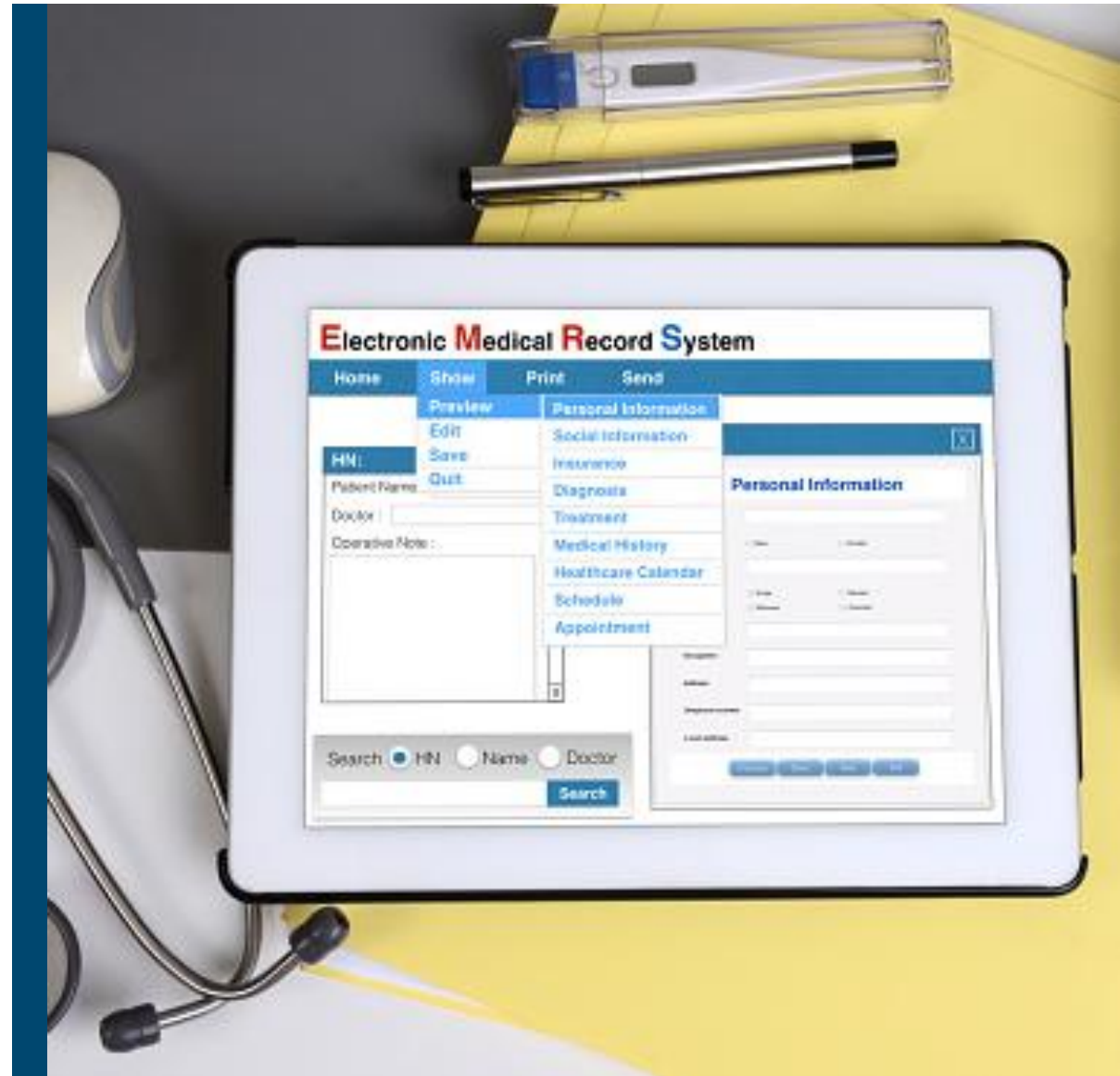
HIPAA requires covered entities to allow individuals to access their medical records, including personal representatives (including parents) acting on their behalf.

Three exceptions:

When minor consents and parental consent is not required under state law

When minor obtains care at the direction of a court or court appointee

When a parent agrees to confidentiality between the minor and provider with respect to the health care service



Minor's Consent

Minor's
Consent



Emergencies

May provide emergency care:

- Reasonably believe patient's life or health is in such danger and that delay in treatment would endanger the patient
- A reasonably careful provider would believe the same thing
- The patient cannot consent (mental or physical).

May administer treatment to minor if:

- Reasonably believe no one competent to consent can be **consulted**
- Reasonable person would consent



Emancipated minor



- An emancipated minor may consent, if
 - Meet age requirement (often 15+) (16 in Neb)
 - living separate and apart from her parents
 - managing her own financial affairs (regardless of source of income)
 - Court order of emancipation required in some states, including Nebraska)
- Same rights and obligations as an adult (including payment)
- Good faith immunity, if rely upon minor's consent
- Homeless sometimes recognized separately (usually when court order required). Arizona, Utah
- Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, Wyoming. Montana allows if high school graduate.
- In military in South Dakota

Marriage

- If legally married, minor may give consent for his/her own hospital, medical, dental emergency, or surgical care
- A few state also include divorced or widowed minors
- Minor acquires same rights and obligations as an adult (including payment)
- Good faith immunity in some states.
- Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming



Sexually transmitted infections



- Health care provider or facility may perform a diagnostic exam for an STI or communicable disease at minor's request and may treat the minor and provide preventive measures or medications
- Parental consent is not required
- Parental notification/consent may be allowed or required below a certain age.
- Must/should counsel regarding the importance of bringing the parent into the minor's confidence.
- Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, Wyoming

Contraception

With the minor's consent, a health care provider, acting within their scope of practice, may furnish contraceptive procedures, supplies, or information to a minor without parental notification or consent (not including permanent sterilization without parental consent).
Colorado

Title X: Required to provide family planning services without regard to age or marital status on a confidential basis. Nebraska, South Dakota



Pregnancy and minors who are parents



- A pregnant minor, regardless of age, may consent to prenatal care, delivery, and post-delivery medical care as it relates to herself and the intended live birth of the child. Colorado, Montana, New Mexico, Utah. Title X may apply in states where not addressed.
- Any parent, including a minor parent, may request and consent to hospital, medical, dental, emergency health, and surgical care for his or her child. Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah

Substance use



- May examine, prescribe for, and treat the minor patient for use of drugs or a substance use disorder without consent or notification to the minor's parents. Arizona, Colorado, New Mexico (14+), Montana, Nevada (must attempt to notify parents), **South Dakota**, Utah.
- Nebraska does not allow without parental consent
- Some states only allow for tobacco/nicotine cessation. Utah, Wyoming (12+)
- Good faith immunity

Youthful offender

- Colorado allows minors to consent, but other states make them wards of the state and Social Services or another agency may have authority.
- Nebraska- When a court awards a juvenile to the care of the Department of Health and Human Services in accordance with the Nebraska Juvenile Code, the minor becomes a ward of the department and the department may provide consent for the minor's medical care. Nebraska law is silent as to who can consent to medical treatment for a minor committed to the Department of Correctional Services.



Abortion

Parental Notification or Consent

- Assumes Abortion remains legal or will survive court challenges (**consult your attorney first**).
- No abortion may be provided on an unemancipated minor until notice has been delivered to a parent or the parent consents; or
- A valid court order is issued allowing the abortion (**judicial bypass**)
- Time and details vary by State
- Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, **South Dakota**, Utah, Wyoming.
- Parental consent required in **Nebraska**. **Judicial bypass available.**



Sexual offenses, assault, or rape

- Minor may consent to an exam if minor was a victim of a sexual offense (may prescribe and treat)
- May have to make reasonable effort to notify the parent or guardian (Colorado, Wyoming)
- If parents object, the physician may proceed upon minor's consent.
- Arizona (12+), Colorado, New Mexico, Utah, Wyoming.



Mental health

A minor may consent to receive mental health services rendered by a facility (including a hospital), behavioral health entity, a professional person (physician or psychologist) or mental health professional, with or without parental consent in any practice setting. Colorado (15+), Montana (16+), New Mexico (14+), **Nebraska (18)**

A physician or psychologist may provide psychotherapy services (verbal therapy) to a minor age 12 or older without parental consent. Colorado (12+), Montana (16+), New Mexico <14)

Mandatory reporting and “duty to warn” still applies



Blood donation

- Minor's may consent to giving blood if meet age requirement (usually 16 or 17).
- Some states require notification to parent.
- Arizona, Colorado, Montana, New Mexico, Wyoming.



What MUST be reported



Child abuse reporting



Any health care provider or hospital personnel must report child abuse or neglect to the local law enforcement agency or child abuse reporting hotline system

Reporting doesn't apply if person doesn't:

- learn of the abuse until after the victim is 18 or older, and
- doesn't have reason to suspect that the perpetrator
- ✓ has subjected another child currently under 18 to abuse or neglect or
- ✓ is currently in a position of trust for a child under age 18

Case examples:

Minor on a ski trip



Grandparent or stepparent



Note from parent



Parent's insurance card



Parents away on trip



Minor with a baby



Minor sexually active with adult



Parent demands testing for STIs and drugs





Questions? Thank you!

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