



## Minors and the Right to Consent to Healthcare Treatment

There are situations, however, where parental consent is not reasonable or appropriate. The understanding that some minors have the capacity and perhaps the right to make important decisions about their health care treatment has been established in federal and state policy.

Written Policies and Procedures	Yes	No
Do you have a written policy on minors and the consent process?		
Does the policy:		
Indicate the status of minor?		
Indicate other adults who can consent?		
Mention state-specific laws/regulations?		
Do you periodically review and update policies and procedures?		
Other: Specify		
Documentation and Medical Record	Yes	No
Does your informed consent discussion include:		
The patient’s diagnosis and nature of the illness?		
The side effects of treatment or procedure?		
A summary of risks and benefits? This includes risks an ordinary person would likely want to be informed of.		
Alternatives to the treatment or procedure?		
The treatment or procedure to be performed, and likelihood of success?		
Was the patient given the opportunity to ask questions and have questions answered?		
Can the patient demonstrate an understanding of diagnosis, proposed procedure/treatment, risks, benefits, and alternatives (ability to “teach back”)?		
Other: Specify		
Maine	Yes	No
Does the minor meet any of the following or request any of the following services:		
Emancipated minor?		
Emergency care?		
Sexual assault forensic exam?		
Treatment for sexually transmitted diseases?		
Treatment for abuse of drugs or alcohol?		

Family planning services, including contraception, pregnancy testing, and emergency contraception?		
<a href="#">Abortion Rights – Please reference the Maine Statute</a>		
<b>New Hampshire</b>	<b>Yes</b>	<b>No</b>
Does the minor meet any of the following to provide informed consent:		
Sexual assault forensic exam?		
Age 14 and older – treatment of STDs?		
Age 12 and older – drug and alcohol abuse treatment?		
<b>Vermont</b>	<b>Yes</b>	<b>No</b>
Does the minor meet any of the following to provide informed consent:		
Emergency situations that necessitate immediate treatment?		
Emancipated minor by order of Probate Court?		
Married? Been Married? Active U.S Military?		
§ 18 VSA 4226 (a) and (b) physician determines the best interest to inform parents?		
14yo and older – voluntarily admission to hospital for mental health?		
Treatment associated with rape, incest, or sexual abuse?		
Termination of pregnancy or to receive the medical treatment necessary to obtain contraceptive devices and medications?		
<b>Massachusetts</b>	<b>Yes</b>	<b>No</b>
Does the minor meet any of the following to provide informed consent:		
Married, widowed, or divorced?		
A parent of a child?		
Member of the armed forces?		
Pregnant or believes to be pregnant?		
Living separate and apart from their parents and managing their own finances?		
Seeking family planning services?		
Drug dependent by two or more physicians – Chapter 112-Section 12E?		

Medical Mutual Insurance Company of Maine offers this information as reference information only and is not intended to establish practice standards or serve as legal advice. MMIC recommends you obtain a legal opinion from a qualified attorney for any specific application to your practice.