



Minors and the Right to Consent to Health Care Treatment

There are situations where parental consent is not reasonable or appropriate for minors. 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? | | |
| Provide payment options? | | |
| Do you periodically review and update policies and procedures? | | |
| 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 emotional or psychological problems? | | |
| Treatment for abuse of drugs or alcohol? | | |
| Family planning services, including contraception, pregnancy testing, and emergency contraception? | | |
| <u>Abortion Rights – Please reference the Maine Statute</u> | | |
| New Hampshire | Yes | No |
| Does the minor meet any of the following to provide informed consent or request any of the following services: | | |
| Is sufficient maturity? | | |
| Sexual assault medical and/or forensic exam? | | |
| Age 14 and older – treatment of STDs? | | |
| Contraceptive Services (if through federally funded Title X clinics)? | | |
| Age 12 and older – drug dependency or drug-related issues? | | |
| Mental health care? | | |
| Abortion (with parental notification) See RSA 132:32-36 | | |

| Vermont | Yes | No |
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| Does the minor meet any of the following to provide informed consent or request any of the following services: | | |
| Emergency situations that necessitate immediate treatment? | | |
| Emancipated minor by order of Probate Court/Married/Active Military Duty? | | |
| Age 12 or older: examination and treatment for venereal disease? | | |
| Age 12 and older: examination and treatment for drug dependence or alcoholism? | | |
| Age 14 and older: voluntary admission to a hospital for mental health? | | |
| Treatment associated with rape, incest, or sexual abuse? | | |
| § 18 VSA 4226 (a) and (b) physician determines the best interest to inform parents? | | |
| Massachusetts | Yes | No |
| Does the minor meet any of the following to provide informed consent or request any of the following services: | | |
| Married, widowed, or divorced/a parent of a child/a member of the Armed Forces/pregnant or believes to be pregnant or living separate and apart from their parents and managing their own finances? | | |
| Seeking family planning services? | | |
| If they believe they have contracted a dangerous, contagious disease, diseases dangerous to public health and STDs? | | |
| 12 or older drug dependent by two or more physicians – Chapter 112-Section 12E? | | |
| 16 or older may commit themselves to a mental health facility? | | |
| Medical Record Documentation | 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 | | |

| Confidentiality | Yes | No |
|---|-----|----|
| Inform minor of billing information/choices | | |
| Ensure there is a process for patient portal access reflecting privacy and confidentiality, including an Imminent Harm / "Safety" exception | | |

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