

CONSENT TO TREATMENT FOR MINORS

Policy regarding minor consent to treat follows the stipulations of Chapter 32 of the Texas Family Code. Generally:

- a person 16 or older living separately from his parents AND managing his own financial affairs can consent to any treatment, including immunizations.
- a minor can consent to treatment for communicable, reportable diseases and pregnancy (except for abortion.)
- the minor cannot consent for immunizations unless he is living on his own and managing his own financial affairs.

Policy and Procedure to Obtain Consent to Treatment

PURPOSE: To document the patient's request for and consent to the provision of medical care from _____.

POLICY: A consent to treatment form will be signed by the patient or the parent of a minor child where required by law at the point of entry into care at the clinic. The consent to treat will be placed in the medical record and will remain in effect until revoked by the patient.

PROCEDURE:

1. At the initial visit, the front office staff will provide the patient with a consent form to complete and sign prior to the provision of any medical care.
2. If a patient has lapsed care for greater than two years or has had his chart purged he must sign a new consent to treatment form.
3. An adult (a person age 18 years or older or a person under the age of 18 and married) may sign the consent to treatment.
4. A parent or guardian must sign the consent to treatment for a minor child except when the law allows the minor to consent to his/her own treatment. A minor may sign his/her own consent to treatment for:
 - a. Any medical care related to pregnancy, except abortion
 - b. Diagnosis and treatment of any infectious, contagious or communicable disease which is reportable to the health department.
 - c. Examination and treatment for drug or chemical addiction or dependency or any condition directly related to drug or chemical addiction or dependency.

- d. Family planning services if those services are reimbursed by Title X, XIX or XX funds. Minors who receive family planning services funded solely under Title V must have signed parental consent for receipt of family planning services.
 - e. Counseling for suicide prevention or for sexual, emotional or physical abuse.
5. A minor may also consent to his/her own medical care if he/she is:
- a. On active duty as a member of the armed forces of the USA
 - b. An emancipated minor as defined by Sec. 32.003 (a)(2)(A-B) of the Texas Family Code
 - c. An unmarried minor child caring for his/her own biological child; in consenting to care for the child, the minor may also consent to his/her own care.
6. Consent for treatment of a minor may be signed by a non-parent if the parent or legal guardian cannot be contacted and that person has not actually given notice contrary to treatment. Non-parents who may sign minor child's consent to treat are:
- a. A grandparent
 - b. An adult brother or sister
 - c. An adult aunt or uncle
 - d. An adult who has actual care, control or possession of the minor child and for whom the parent or legal guardian has given written permission to consent for treatment.
 - e. An educational institution, court, adult given responsibility for a minor through the juvenile justice system, or a peace officer who has lawful control or custody of the minor child.
7. A physician or mid-level provider, using his or her best professional judgment, may obtain consent for treatment from a minor child without parental or legal guardian permission if the minor child is determined to need immediate care and reasonable attempts to contact the person authorized to consent for treatment have failed.