



# KERN HEALTH SYSTEMS

## KERN HEALTH SYSTEMS POLICY AND PROCEDURES

<b>Policy Title</b>	Access – Treatment of a Minor	<b>Policy #</b>	2.17-P
<b>Policy Owner</b>	Quality Improvement	<b>Original Effective Date</b>	08-1997
<b>Revision Effective Date</b>	09-2024	<b>Approval Date</b>	02/07/2025
<b>Line of Business</b>	<input checked="" type="checkbox"/> Medi-Cal <input type="checkbox"/> Medicare <input type="checkbox"/> Corporate		

### I. PURPOSE

The purpose of this policy is to provide guidance to both Kern Health Systems (KHS) staff and KHS providers regarding consent for treatment of minors required by law.

### II. POLICY

Under normal circumstances, treatment of a minor requires the consent of the parent/guardian. Special circumstances outlined below allow minors to be treated without the consent of the parent/guardian:

1. The minor becomes ill or injured while attending school and the parent/guardian cannot be reached
2. The minor gives consent for those services that qualify as minor consent services
3. A qualified relative caregiver gives consent The details of these exceptions are outlined in this policy.

### III. DEFINITIONS

TERMS	DEFINITIONS
N/A	N/A

### IV. PROCEDURES

#### A. TREATMENT DURING SCHOOL HOURS

1. If a parent or guardian cannot be reached, a physician and the hospital may provide reasonable treatment without the consent of the child's parent(s) or legal guardian for

any child enrolled in any school in any district when the child is ill or injured during regular school hours.

## B. MINOR CONSENT SERVICES

1. By statutory definition, a person under the age of eighteen (18) is incompetent to consent to medical treatment except as otherwise allowed by law. Please read this policy in full to define those exceptions. Minors may access treatment for sensitive services such as sexual assault, drug or alcohol abuse for children twelve (12) years of age or older, pregnancy, family planning, venereal disease for children 12 years of age or older, sexually transmitted diseases designated by the Medical Director for children 12 years of age or older, and mental health care for children 12 years of age or older who are mature enough to participate intelligently and which is needed to prevent the children from seriously harming themselves or others or because the children are the alleged victims of incest or child abuse.

<b>If patient is...</b>	<b>Parental consent required?</b>	<b>Are parents responsible for care?</b>	<b>Is minor consent sufficient?</b>	<b>May MD inform parents of treatment without minor consent?</b>
Under 18, unmarried, no special circumstances	Yes	Yes	No	Yes
Under 18, married or previously married	No	No	Yes	No
Under 18, no special circumstances, emergency and parents not available	No	Yes	Yes (if capable)	Yes
Emancipated minor (declaration by court, identification card from DMV)	No	No	Yes	No
Self-sufficient minor (over 15, not living at home, manages own financial affairs)	No	No	Yes	Yes
Not married, pregnant, under 18, care related to prevention or treatment of pregnancy	No	Yes*	Yes	Probably not <sup>+</sup>
Not married, pregnant, under 18, care not related to prevention or treatment of pregnancy and no other special circumstances	Yes	Yes	No	Yes
Under 18, on active duty	No	No	Yes	No

<b>If patient is...</b>	<b>Parental consent required?</b>	<b>Are parents responsible for care?</b>	<b>Is minor consent sufficient?</b>	<b>May MD inform parents of treatment without minor consent?</b>
With Armed Forces				
Under 18, over 12, care for contagious reportable disease or condition	No	No	Yes	Probably not <sup>+</sup>
Under 18, over 12, care for Rape <sup>8</sup>	No	Yes*	Yes	Probably <sup>+</sup>
Under 18, care for sexual assault	No	Yes*	Yes	Yes, usually <sup>+</sup>
Under 18, over 12, care for alcohol or drug abuse	No	Only if participating in counseling	Yes	Yes, usually <sup>+</sup>
Under 18, over 12, care for mental health, outpatient only	No	Only if parents are participating in the counseling	Yes, if capable	Yes, usually <sup>+</sup>

Members are made aware of minor consent services through the Member Handbook.

KHS personnel will not discuss with a minor's parents, the access of sensitive services by the minor as defined above without consent of the minor.

### C. QUALIFIED RELATIVE CAREGIVER

1. An adult relative with whom a minor is living, who is not the parent, legal guardian, or conservator of the minor, may provide consent for medical care for the minor by signing a Caregiver's Authorization Affidavit. (See Attachment A). All of the following must apply in order for the consent to be valid:
  - a. The adult must be a "qualified relative", which is defined in the law as a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix, "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
  - b. The adult must advise the parents of the proposed medical treatment and have received no objection thereto; or the adult must be unable to contact the parents.
2. The minor must be living with the adult relative:
  - a. The adult must be a "qualified relative", which is defined in the law as a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix, "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
  - b. The adult must advise the parents of the proposed medical treatment and have received no objection thereto; or the adult must be unable to contact the parents.

- c. The adult must complete an affidavit in which he or she attests that the elements outlined above are true and correct.
3. Once the affidavit is completed in its entirety, KHS practitioners/providers or their personnel must, if possible, make one further attempt to reach the minor's parents prior to care being delivered to the minor.
- a. A copy of the signed affidavit must be placed in the minor's permanent medical record. The affidavit is valid for only one year from the date of the signature. This affidavit does NOT mean that the minor is automatically a dependent for health care coverage purposes.
  - b. Adult caregivers should be encouraged to seek legal guardianship of the minor by KHS practitioners/providers and KHS personnel.

**D. MONITORING**

- 1. The effectiveness of this policy is monitored through the Facility Site Review process. See KHS Policy and Procedures 2.22-P, Facility Site Review and 2.71-P, Facility Site Review and Medical Record Review, for details.

**V. ATTACHMENTS**

Attachment A:	Caregiver’s Authorization Affidavit
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**VI. REFERENCES**

Reference Type	Specific Reference
Regulatory	Family Code: Section 7002
Regulatory	Business and Professional Code, Section 2397
Regulatory	Family Code, Sections 7002, 7050, 7140
Regulatory	Family Code, Section 6922
Regulatory	Family Code, Section 6925 It should be recognized that although the minor’s parents or guardian are legally responsible for payment even though the law allows the minor to give consent, as a practical matter, other considerations, such as confidentiality of medical information, may prevent the hospital from seeking payment from the minor’s parent or guardian. <sup>+</sup> Law unclear. Depends on circumstances. Careful analysis recommended.

Regulatory	<p>Family Code, Section 6926</p> <p>+ Law unclear. Depends on circumstances. Careful analysis recommended.</p>
Regulatory	<p>Family Code, Section 6927</p> <p>* It should be recognized that although the minor’s parents or guardian are legally responsible for payment even though the law allows the minor to give consent, as a practical matter, other considerations, such as confidentiality of medical information, may prevent the hospital from seeking payment from the minor’s parent or guardian.</p> <p>+ Law unclear. Depends on circumstances. Careful analysis recommended.</p>
Regulatory	<p>Family Code, Section 6928</p> <p>* It should be recognized that although the minor’s parents or guardian are legally responsible for payment even though the law allows the minor to give consent, as a practical matter, other considerations, such as confidentiality of medical information, may prevent the hospital from seeking payment from the minor’s parent or guardian.</p> <p>+ Law unclear. Depends on circumstances. Careful analysis recommended.</p>
Regulatory	<p>Family Code, Section 6929</p> <p>Law unclear. Depends on circumstances. Careful analysis recommended.</p>
Regulatory	Family Code, Section 6924
Regulatory	Title 22 CCR Section 50063.5
Regulatory	Family Code Sections 6550-6552 (SB 592). Legal Memorandum from California Association of Hospitals and Health Systems dated October 31, 1994; File Code CAHHS 94-10-61.
Other	California Hospital Association, Consent Requirements for Medical Treatment of Minors pdf
Other	California Courts Self-Help Center – Caregiver’s Authorization Affidavit

## VII. REVISION HISTORY

Action	Date	Brief Description of Updates	Author
Revised	09-2024	Annual review.	Quality Improvement
Revised	08-2020	Added policy purpose and references used in the creation of this policy. Updated Attachment A to be consistent with the California Court's form, Caregiver's Authorization Affidavit.	Quality Improvement
Revised	01-2017	Revisions made to signatory list.	Quality Improvement
Revised	07-2013	Updated with management titles and new format.	Quality Improvement
Revised	04-2009	Updated Titles	Quality Improvement
Revised	02-2002	Annual review. Revised per DHS Comment 09/19/01. Policy 2.18, Consent for Treatment of Minor by a Relative Other Than a Parent was absorbed into 2.17.	Quality Improvement
Effective	08-1997	Created to provide guidance to both Kern Health Systems (KHS) staff and KHS providers regarding consent for treatment of minors required by law.	Quality Improvement

## VIII. APPROVALS

Committees   Board (if applicable)	Date Reviewed	Date Approved
Choose an item.		

Regulatory Agencies (if applicable)	Date Reviewed	Date Approved
Choose an item.		
Choose an item.		