

Esprit Woman Care

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State and Federal Laws on Patient Confidentiality for Minors

According to Colorado state law, a person is deemed to be “of full age” once he or she has attained the age of eighteen years (CRS 13-22-101). Every competent person eighteen years and older may “make decisions in regard to his or her own body.”

Before the age of eighteen, a minor is generally presumed to be incompetent to make his or her own medical decisions without parental consent (CRS 13-122-103). However, there are a few exceptions. Minors can consent to medical care for themselves without parental consent in the following instances:

- If the minor is financially independent and living separate and apart from his or her parents.
- If the minor is legally married
- If the minor requests birth control or family planning services
- If the minor requests testing and treatment for a sexually transmitted disease
- If the minor requests testing and treatment for drug addiction
- If the minor requests treatment for certain mental health issues

Federal Health Insurance Portability and Accountability Act (HIPAA) regulations also influence confidentiality issues. If a minor has requested confidential treatment in one of the above instances, the minor is the owner of that portion of the medical record. Accordingly, that portion of the medical record can only be released or shared with the permission of the minor.

Esprit Woman Care complies with state laws and federal HIPAA regulations regarding confidentiality and privacy rights of minors. The rights, well-being, safety and best medical interests of the minor patient will be the primary factors in determining confidentiality and patient information. If we believe it is in the best medical interests of the minor to breach confidentiality, we will notify them of our decision and intent.