

HIV/AIDS Testing and Treatment

The Georgia Department of Human Resources states that all county health departments offer HIV counseling and testing, both confidentially (names are recorded so health departments can contact infected persons to offer treatment and help with notifying sex or needle-sharing partners) and anonymously (no identification is collected). The testing physician is not required to report a positive result to a parent or guardian. If a test is positive, the counselor or physician should discuss the desirability of the minor to disclose this information to their parent or guardian.

Substance Abuse

A minor may consent to medical services and counseling related to substance abuse. Parental consent is not required for outpatient treatment.

Emergency Care

In cases of emergency, consent to medical care is implied. "Emergency" means a situation in which the proposed surgical or medical treatment is reasonably necessary (according to competent medical judgment), a person authorized to consent is not readily available, and any delay in treatment would jeopardize the minor's life or health.

Improving Adolescents' Access to Reproductive Health Care

1. Know the laws surrounding minors' access to confidential care. Help young people to understand their rights and options.

2. The treating physician is not required to provide information regarding the procedure or treatment needed. Such information may be given to or withheld from the spouse, parent, custodian, or guardian without the consent of the minor patient and even over the express refusal of the minor patient.
3. Become aware of clinics and/or programs in your area that offer confidential reproductive health care to minors if you or your facility does not do so.
4. Take steps to prevent the inadvertent disclosure of confidential information, including:
 - Ask patients for alternative contact information (where they can be reached if they do not want to be contacted at home).
 - Discuss billing and alternative forms of payment with the minor patient (e.g., cash is the most confidential/safest payment method). Insured patients may have benefits information sent to their parents.
 - Seek further counsel if you are uncertain about the requirements regarding the disclosure of medical records. You may contact the Georgia Chapter of the American Academy of Pediatrics for assistance or more information at www.gaaap.org.

Developed by:

The Georgia Campaign for Adolescent Pregnancy Prevention (G-CAPP) (www.gcapp.org)

Physicians for Reproductive Choice and Health (PRCH) (www.prch.org)

Morehouse School of Medicine, Department of Pediatrics (www.msm.edu/academic/pediatrics.aspx)

Georgia Chapter of the American Academy of Pediatrics (www.gaaap.org)

The American Civil Liberties Union of Georgia (www.acluga.org)

Planned Parenthood Southeast (www.plannedparenthood.org/ppse)

To order more cards or to support PRCH, call 646-366-1890 or visit www.prch.org.

Please Note: This publication is intended as a guide, and does not provide individual legal assistance. Please check with your legal counsel for site-specific clarification about confidentiality and disclosure issues, including any new policies related to the HIPAA privacy rule.

GEORGIA

Minors' Access to Confidential Reproductive Healthcare



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A Minor

A minor is a person under the age of 18.

Informed Consent

A minor who understands the risks, benefits, and proposed alternatives to certain health services outlined in this card may give informed consent. Informed consent must be voluntary, may be verbal or written, and should be noted in the patient record.

Confidentiality

Fear of disclosure prevents some minors from seeking services. When young people are assured that providers will respect their right to confidentiality they are more likely to seek care, especially reproductive and sexual health care.

Communication Is Critical

It is usually helpful for a young person to talk with a parent or a supportive adult when making health care decisions. In fact, most young people do involve at least one parent when making health care decisions. Whenever possible, open communication with a parent or guardian should be encouraged.

Open communication with parents is not always possible for young people. Some cannot involve their parents because they come from homes where physical violence, sexual abuse, or emotional abuse are prevalent. For these and other reasons, young people may receive a broad range of health services, including confidential reproductive health care as outlined in

this card, without telling their parents or needing their permission.

Facilitating Communication

- Initiate conversations with adolescents about their right to confidential health care.
- Discuss if and how a minor's parents or guardian will be involved in her/his care.
- Establish a trusting relationship with the patient and the parent. Health care providers should discuss confidentiality with each party individually.
- Encourage the adolescent to involve a parent or another trusted adult whenever possible.
- Be sensitive to minors who identify as gay, lesbian, bisexual, transgender, or questioning, as these minors are at a higher risk for discrimination, leading to violence against them and higher risk of HIV infection than other adolescents.

A minor may consent to confidential health services to prevent pregnancy, including:

- Contraceptive care and counseling
- Emergency contraception (EC)

Emergency contraception (also known as the morning-after pill) is a form of contraception. There are several dedicated EC products on the market. Pharmacies have begun offering levonorgestrel-based EC to women and men ages 17 and older directly over the counter, while individuals under the age of 17 must obtain a prescription from a health care provider. Ulipristal acetate-based EC

products require a prescription regardless of age. EC products can be effective up to 120 hours following unprotected intercourse; however, women are urged to take EC as soon as possible to maximize efficacy. The National EC Hotline (1-888-NOT-2-LATE or www.not-2-late.com) offers information on EC options and providers, and more information can be found at www.plannedparenthood.org/ppse. Minors do not need parental consent to obtain EC, and confidential services may be provided.

Pregnancy, Prenatal Care, and Childbirth

A minor may consent to all health care services related to pregnancy, including pregnancy tests, options counseling, and labor and delivery services, without notifying a parent (unless she chooses to do so). A minor parent may consent to all medical care for his/her child.

A provider is not required to disclose medical records or other information regarding health care services related to family planning, pregnancy, and childbirth to parents without the patient's consent.

- **Abortion:** According to Georgia law, physicians shall not perform an abortion on an unemancipated minor without the written consent of the minor and either a signed statement by a parent or guardian that he or she has been notified, or advance notice to the parent has been given in writing, by telephone or in person. If notice is mailed, it is deemed delivered 48 hours af-

ter mailing. Following notification, the minor must undergo a 24-hour waiting period before obtaining an abortion in order to allow consultation with their parent or guardian, though the parent or guardian may waive this waiting period. If the parents or guardian cannot be located or if the minor refuses to notify her parents, she may then seek an order from the court (an option known as "judicial bypass") for a waiver of this requirement. For more information about judicial bypass, go to <http://www.plannedparenthood.org/ppse/georgia-laws-32290.htm>.

Additionally, minors are subject to the same restrictions and requirements placed on any woman seeking an abortion, such as mandatory counseling. Information about these requirements is available through the Department of Public Health at <http://health.state.ga.us/wrtk/>. The parental notification and mandated counseling provisions do not apply when a medical emergency requires an immediate abortion. A married minor under the age of 18 is considered "emancipated" and may consent to an abortion without any parental notification. It is very important that counseling and initiation of method occur immediately after the abortion has been performed.

Sexually Transmitted Infection (STI) Care

Any minor may consent to testing and treatment for an STI without a parent or guardian's consent. Some STIs must be reported to the Department of Health.