

Rights of Minors and Privacy of Health Information in Minnesota

Minnesota law regulates privacy of protected health information for minors. The following statutes outline these regulations and explain a minor's right.

Statute: 144.343

Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required.

Statute: 144.346

The professional may inform the parent or legal guardian of the minor patient of any treatment given or needed where, in judgment of the professional, failure to inform the parent or guardian would seriously jeopardize the health of the minor patient.

Statute 144.342

Any minor who has been married or has borne a child may give effective consent to personal medical, mental, dental and other health services, or to services for the minor's child, and consent of no other person is required.

Statute 144.341

Minor's living separate and apart from their parents or their legal guardians (with or without parental or legal guardianship consent or any duration they have been living apart) who manage their own financial needs (regardless of the source of income) may give their own consent for medical treatment without the consent of any other adult.

Statute 144.3441

A minor may give effective consent for a hepatitis B vaccination. The consent of no other person is required.

- ◆ In a worker's compensation case a minor employee has the same power to enter into a contract, make a settlement and receive compensation as an adult employee would.
- ◆ Any professional that is engaged in the practice of treating a minor either physically or mentally that knows of or suspects that a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff under Minnesota Statute 626.556 subdivision 3.
- ◆ A guardian ad litem is a person appointed by a judge to make sure and oversee the needs and best interest for a child are being met. The guardian ad litem must investigate many different aspects regarding the care and treatment of the child, then they must report their findings back to the court. The guardian ad litem may access medical records as part of their investigative powers, this power would include the parent's medical records, without an authorization signed by the parent. It is important to obtain the proper court documents if they are not on file already before releasing the records.
- ◆ In situations where the law allows a minor to consent to treatment, the minor is entitled to confidentiality and therefore controls access to and release of the medical records for that visit. Healthcare facilities need to have a system in place that will identify any situations where a minor has consented to treatment, ensuring that information regarding those visits is not accidentally released without the minor's written consent.