

Laws regarding consent to medical and surgical care by minors.	Is parental consent required?	Is parental access to the minor's information permitted?
<p>Venereal Disease (STI) / HIV <i>Public Health Code, MCL 333.5127, MCL 333.5133, and MCL 722.623.</i></p> <ul style="list-style-type: none"> • Minor may consent to medical or surgical care for diagnoses and treatment of a venereal disease or HIV. • MCL 333.5127 does not apply to medical care to <i>prevent</i> a venereal disease, such as a vaccine. • Reportable as reasonable cause to suspect <u>child abuse</u> if pregnancy or venereal disease found in child over <u>1 month but less than 12 years of age</u>. 	<p>Not required for diagnosis or treatment.</p> <p>Also not required for medical care to prevent sexually transmitted infection or HIV (e.g. vaccine) if services provided by Title X funded agency. See section on “<i>Title X agencies</i>”.</p>	<p>Provider discretion applies as to the treatment given or needed.</p> <ul style="list-style-type: none"> • For <u>medical reasons</u> information as to the treatment given or needed, <u>may</u> be given to or withheld from the spouse, parent, guardian or person in loco parentis without consent of the minor and notwithstanding the express refusal of the minor to the providing of the information. <p>Access not permitted when services provided to minor by Title X funded agency. See section on “<i>Title X agencies</i>”.</p>

Other Michigan Laws Related to Right of a Minor to Obtain Health Care Without or Consent of Knowledge of Parents

<p>Reporting of Abuse or Neglect <i>Child Protection Act, MCL 722.622, MCL 722.623</i></p> <ul style="list-style-type: none"> The following individuals are <u>required</u> to report suspected “<u>child abuse or neglect</u>” to Child Protective Services: <ul style="list-style-type: none"> audiologist certified social worker dentist law enforcement officer licensed professional counselor marriage and family therapist medical examiner member of the clergy nurse person licensed to provide emergency medical care physician physician’s assistant psychologist registered dental hygienist regulated child care provider school administrator school counselor or teacher social worker social worker technician 	<ul style="list-style-type: none"> “Child abuse” means harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, <u>by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.</u> “Child neglect” means harm or threatened harm to a child’s health or welfare <u>by a parent, legal guardian, or any other person responsible for the child’s health or welfare</u> that occurs through either of the following: <ul style="list-style-type: none"> (i) Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care. (ii) Placing a child at an unreasonable risk to the child’s health or welfare by failure of the parent, legal guardian, or other person responsible for the child’s health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk. For reporting purposes, pregnancy of a child less than 12 years of age or the presence of a venereal disease in a child who is over 1 month of age but less than 12 years of age <u>is reasonable cause to suspect child abuse and/or neglect have occurred.</u>
<p>Medical Records Access Act, MCL 333.26261-MCL 333.26271</p> <ul style="list-style-type: none"> Provides for and regulates access to and disclosure of medical records. 	<ul style="list-style-type: none"> Under this act, a minor’s parent, guardian, or person acting in loco parentis has the right to review and obtain a copy of the minor’s medical record, <u>unless the minor lawfully obtained health care without the consent or notification of a parent, guardian, or other person acting in loco parentis, in which case the minor has the exclusive right to exercise the rights of a patient under this act with respect to those medical records relating to that care.</u>

Availability of Laws on the Internet:

Michigan Statutes: www.legislature.mi.gov

Federal Statutes: <http://uscode.house.gov/search/criteria.shtml>

Federal Regulations: www.efcr.gov

Matrix information compiled by the Michigan Department of Health and Human Services, Office of Legal Affairs (OLA), May 23, 2006, revised May 27, 2009.

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Disclaimer:

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