

<b>Policy Title:</b>	<b>MINORS WITH LEGAL AUTHORITY TO CONSENT</b>		
<b>Category:</b>	2 - Patient Rights	<b>Policy No.:</b>	223
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<b>Distribution:</b>	<b>Hospital-Wide</b> <input checked="" type="checkbox"/>	<b>If not Hospital-Wide, Other:</b>	

**PURPOSE:**

To ensure that all minors shall have access to quality health care for primary, preventive, acute and post-acute general disorders in the absence of a parent or legal guardian

**DEFINITION(S):**

**Minors** are persons under the age of 18 (Family Code 6500)

**Medical Care** means x-ray examination, anesthetic, medical or surgical diagnosis or treatment, and hospital care under the supervision and upon the advice of a licensed physician. (Family Code Section 6902)

**Dental Care** means x-ray examination, anesthetic, dental or surgical diagnosis or treatment, and hospital care by a licensed dentist. (Family Code Section 6901).

**POLICY:**

Olive View-UCLA Medical Center shall comply with Section 6550 of Division 11 or the California Family Code by providing preventive, acute and post-acute services for persons who are minors in the absence of a parent or legal guardian.

**PROCEDURE:**

There are certain conditions under which a minor may give consent to medical, dental, and psychiatry care. The following conditions must apply:

- Any minors regardless of age while on active duty with any branch of the United States Armed Forces (Family Code Section 7002)
- Any minor regardless of age while receiving care related to the treatment or prevention of pregnancy (Family Code Section 6925)
- Minors 12 years or older suffering from a reportable disease (Family Code Section 6926)
- Minor rape victims 12 years or older (Family Code Section 6927)

- Emancipated minor; a minor 14 years of age or older who has petitioned the court for emancipation and the petition has been granted. (Family Code Section 7120)
- Minors of 12 years or older undergoing STD diagnosis and treatment (Family Code Section 6926)
- Minors 12 years or older suffering from a sexual assault (Family Code Section 6928)
- Minors 12 or older, in need of mental health outpatient treatment (Family Code Section 6924)
- Minors 12 or older, in need of medical care and counseling relating to the diagnosis and treatment of a drug or alcohol-related problem. (Family Code Sections 6902 and 6929)
- Minors under 18, who have entered into a valid marriage, whether or not such marriage was terminated by dissolution or death of the spouse. This does not include so-called “common law” marriages which are not recognized by the state of California. (Family Code Section 7002)
- When a minor 15 years of age or older is living separate and apart from his or her parent(s) or legal guardian, whether with or without the consent or acquiescence or his or her parent(s) or legal guardian and manages his or her own financial affairs, regardless of source of income, the minor is capable of giving a valid consent for medical care without parental or guardian consent, knowledge or financial liability.

The minor should affirm the above conditions are met and complete the “Self Sufficient Minor Information Form” (OV1957). In the absence of evidence to the contrary, the hospital may reasonably believe that the affirmations made in the form are correct without independent verification.

- Minors under 18, no special circumstances, emergency and parents not available (Business and Professions Code Section 2397)
- Minors not married, under 18, seeking abortion (Health and Safety Code Section 123450)
- Minors 12 years or older in need of HIV testing (Family Code 6926)
- Minors who are at least 15 years of age may make an Anatomical Gift with the written consent of a parent or guardian. (Health and Safety Code Section 7150.15)
- Minors 17 years of age or older may make a donation of blood (Health and Safety Code Section 1607.5). Minors between the ages of 15 and 17 may consent to blood donation, but the blood bank may accept such donation only with the written consent of the minor’s parent(s) or guardian and the written authorization of a physician.

The following conditions must apply in those instances where authorization is necessary for a third party to consent to the treatment of a minor:

- A non-parent adult relative with whom the minor is living may authorize medical care for the minor by signing a "Caregiver's Authorization Affidavit" (HS-010314-1AE).
- A minor must be living with the adult family member.

Authorization for care applies only to the child receiving medical care and

- The adult, who must be at least 18 years of age or older, must be a "qualified relative," which is defined in the law as a spouse, parent, step-parent, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in the definition, even after the marriage has been terminated by death or dissolution.
- The adult must advise the parent of the proposed medical treatment and the parent must have no objection thereto; or the adult must be unable to contact the parents.
- The adult must complete an affidavit (HS-010314-1AE) in which he or she attests that the elements outlined above are true and correct. The affidavit is valid for only one year from the date of signature.

If a minor requires treatment and the emergency exception is not applicable, or the minor may not consent pursuant to any of the statutory exceptions discussed above, and no "Caregiver's Authorization Affidavit" form has been signed (or the signed form is not available), communication with the parent(s), guardian, or caregiver by telephone or fax to obtain the necessary consent must be vigorously pursued. If the communication is unsuccessful, case-by-case exceptions may be granted by Medical Administration.

Such services shall be provided by:

1. County-owned/operated hospitals
2. County-owned/operated outpatient clinics
3. County-owned/operated ambulatory care centers
4. County-owned/operated home health programs
5. Private sector health care providers that provide patient services through contract with Los Angeles County Department of Health Services (e.g., Community Partners).

**ATTACHMENTS/FORMS:**

Self-Sufficient Minor Information Form (OV-1957)  
Caregivers Authorization Affidavit Form (HS-010314-1A)

**REFERENCE(S)/AUTHORITY:**

Section 6550 of Division 11, California Family Code 6924, 925, 6926, 6927, 6928, 6929, 7002, and 7120, Business and Professions Code Section 2397, Health and Safety Code Section 123450, California Healthcare Association Section 10, Health and Safety Code Section 1607.5, CHA Consent Manual 2010

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