

MOORESVILLE DERMATOLOGY CENTER

CONSENT TO TREATMENT OF MINORS

- Except for certain medical conditions (listed below), patients under 18 years old may not, unless legally emancipated, consent to treatment for themselves.
- Consent for treatment for minors must therefore be obtained from a parent or legal guardian.

Consent by adults other than the parent

- Custodial parents of minors may authorize another adult to consent to treatment for their children.
- The North Carolina General Statute contains a non-exclusive form that may be used for this purpose, at §32A-34. A form of this kind is typically used by:
 - parents whose children are routinely kept by another adult (such as a grandparent or babysitter).
 - parents who are planning to be out-of-town or otherwise unavailable for a defined period.

The standard form may be altered to limit the agent's authority to a certain period or to exclude certain procedures or situations from the agent's authority. In an emergency situation, treatment **should not be delayed** because of a lack of this authorization.

Consent for treatment of unaccompanied minors

- Some practices typically see minor patients who are old enough to come to the office alone.
- Minors will occasionally be dropped off at a practice for treatment while the parent is otherwise occupied.
- If either of these situations is anticipated, the parent or guardian may sign a form in advance of the appointment authorizing the physicians or practice to treat the minor in the parent's absence.
- In an emergency situation, treatment **should not be delayed** because of a lack of this authorization.

Minors' consent to treatment in certain situations

The North Carolina statute (N.C.G.S. §90-21.5) identifies four areas in which patients under 18 may give consent for treatment for themselves:

- Prevention, diagnosis, and treatment of venereal disease
- Prevention, diagnosis, and treatment of pregnancy (not including termination of pregnancy)
- Prevention, diagnosis, and treatment of substance abuse
- Prevention, diagnosis, and treatment of emotional disturbance (not including admission to an in-patient facility)

EMANCIPATED MINORS

According to North Carolina General Statute §7A-721, an emancipated minor is a person under eighteen years of age who:

- is married or
- has been emancipated by judicial action.

An emancipated minor can consent to any medical or dental treatment for himself or herself independent of a parent or guardian.

** Note that a minor does **not** become emancipated by moving out of his or her parents' house or by having a baby.

TREATING CHILDREN OF DIVORCED PARENTS

When parents are divorced, each has equal right to consent to treatment and to authorize release of the children's medical records, unless there has been some legal termination of parental rights. Therefore, even a non-custodial parent may bring a child for treatment and receive or authorize release of the child's medical records. If one parent (usually the custodial parent) objects, for example, to a copy of the child's medical record being given to the other parent, he must produce documentation showing that her parental rights have been terminated. If he cannot produce such documentation, the other parent will have a right to a copy of the medical record. A medical practice is safe in assuming that someone known to be a child's parent still has her parental rights intact, until documentation proving otherwise is shown.

Only custodial parents may authorize other parties to consent to their children's treatment.