

Release of Information for Minors and HIPAA in Alabama

In accordance with the Health Insurance Portability and Accountability Act (HIPAA); Army Regulation 40-3, Medical, Dental, and Veterinary Care; and the Alabama Code of 1975, the following applies regarding minors at Fox Army Health Center, Redstone Arsenal, Alabama:

1. Consent of Minors:

a. Any minor who is 14 years of age or older, **or** has graduated from high school, **or** is married, **or** having been married is divorced, **or** is pregnant, may give effective consent to any legally authorized medical, dental, health, or mental health services for himself or herself (Code of Alabama, Section 22-8-4).

b. **Any** age of minor may give effective consent for any legally authorized medical, health, or mental health services to determine the presence of, or to treat, pregnancy, venereal disease, drug dependency, alcohol toxicity, or any reportable disease (Code of Alabama, Section 22-8-6).

c. Any legally authorized medical, dental, health, or mental health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the physician's judgment, an attempt to secure consent would result in delay of treatment which would increase the risk to the minor's life, health, or mental health (Code of Alabama, Section 22-8-3).

Therefore, as a general rule, all 14 year old minors (or younger if the preceding applies) MUST specify in WRITING that their parents may have access to their protected health information before it is given to them. To satisfy this requirement, patients may come to the Patient Administration Division Outpatient Records Window and complete DA Form 5006 (attached). The completed original will be made part of the electronic outpatient record and patients will be given a photocopy. Verbal releases are not sufficient.

2. Parental Notification.

a. In cases involving minors who give legally valid consent to treatment and receive treatment without the knowledge of a parent or guardian, FAHC will obtain and document the minor's consent to notification before any parental notification takes place. **If the minor does not consent to the notification of his/her parents, the parents will not be notified. If there are compelling reasons to notify the parents, the Office of the Staff Judge Advocate will be consulted prior to any notification.**

b. In accordance with Code of Alabama, Section 22-11A-19, the minor's consent to notification is not required where FAHC provides diagnostic procedures or treatment to a minor who has come into contact with certain sexually transmitted diseases as designated by the State Board of Health. In these cases, parental notification is authorized, but not required. Under the Code of Alabama, Section 22-11A-19, a minor 12 years old or older may give consent for treatment in the case of certain sexually transmitted diseases designated by the State Board of Health as long as a licensed practitioner in Alabama authorizes the treatment.

c. In those cases in which the sole reason that parental consent was not obtained was because of a need to act quickly to save the minor's life, health, or mental health, and parental consent would have otherwise been necessary, it is appropriate to notify the parent that treatment has been provided.

d. In accordance with AR 40-400 and the Code of Alabama, if a minor child under 14 years of age is accompanied by a caregiver who is **not** the child's parent or legal guardian (i.e., a grandparent, etc.), the caregiver must present a **notarized power of attorney**, authorizing the caregiver to exercise the parent's or legal guardian's consent and decision-making powers regarding the health of the minor child. The power of attorney must be signed by the parent or legal guardian and must not have been executed more than one year previous. **Those who fail to produce this document at the time of the visit will be denied care at FAHC unless the health care provider determines that the minor's condition is an emergency that threatens the minor's life, health, or mental health.**

For further information regarding this policy, please contact the Office of the Staff Judge Advocate, (256) 876-9005, Redstone Arsenal, Alabama.