

## “Your Health and the Law: A Guide for Teens” Scenarios- Questions and Answers

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*Today is Cindy's 18th birthday. Is she a minor?*

No. She is no longer under the age of 18, so she is no longer a minor.

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*Jack is a mentally impaired adult. Can he consent to his own care?*

Maybe. If the doctor determines that Jack understands his medical condition and the consequences of various treatments, Jack can consent to his own health care. However, no patient can give informed consent unless that patient understands the risks and benefits of the proposed and alternative treatments.

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*Erin asks her doctor for a confidential pregnancy test. Her friend calls later to find out the results for her. Can the doctor disclose the results to Erin's friend?*

Not without Erin's permission. The information is confidential and cannot be disclosed to anyone but Erin.

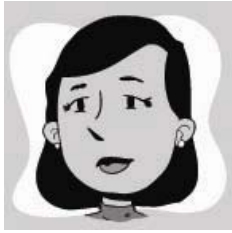
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*A high school teacher is concerned that his student, **Joe**, is suffering from a health problem, and that Joe is too scared to talk about it. Can the teacher look up Joe's medical records in the school-based clinic, or call Joe's physician to find out what's wrong?*

No. That information is confidential. Without Joe's permission, the health care provider cannot release the information to the teacher. The teacher can, however, encourage Joe to talk about his problem, meet with Joe's parents or alert the health care provider to his concerns.

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*Maria, who is 16, receives confidential medical treatment. Although she does not need, and therefore does not obtain, parental consent for the treatment she receives, she does wish to pay for the treatment through her parent's insurance plan. Will information about her treatment be disclosed to her parents?*

Maybe. The health care provider cannot disclose the information to Maria's parents.

However, it is possible that some information will be disclosed to her parents during the insurance reimbursement process. By asking the insurance company about the risks of disclosure beforehand, Maria will be well informed before deciding where to seek care and how to pay for it.

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*Mrs. Smith is a school nurse. One of her patients, a 16-year-old, has a bad case of the flu and wants the nurse to call a doctor. Can Mrs. Smith give the student's medical files to the doctor?*

Probably not. In certain cases, a minor can authorize the disclosure of health information. However, this is generally up to the parents.

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*George, a 17-year-old boy has been living on his own for two years. He is financially self-supporting, and lives in his own apartment. He is not in regular communication with either of his parents. He needs to have his wisdom teeth pulled. Can the dentist perform the surgery without the consent of George's parents?*

Maybe. A mature minor – a minor who is not emancipated – may be able to obtain health care without parental consent if the physician is convinced that the minor is mature enough to understand the ramifications of the treatment.

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*Julia is a 17-year-old who is emotionally mature and fully capable of understanding her medical condition and the risks and benefits of various treatments. She wants to consult a physician about her severe allergies, but because of their religious beliefs her parents have refused to grant her permission. Can she consent to her own health care?*

Probably not, but her parents do not have the right to refuse her treatment based on **their** religious beliefs. She is entitled to receive treatment which is in her best interest. She may need to go to court and petition a judge to receive the treatment. Before Julia goes to court, she might want to get a lawyer to help her with this process. If her allergies are so severe as to risk her overall health, a doctor may be able to treat her without parental consent under the emergency doctrine.

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*Joanna has gonorrhea and needs treatment. She is 16 and does not want to tell her parents that she has an STD. Can she be treated without parental consent?*

Yes. The law allows Joanna to consent to the treatment without telling her parents, but if she doesn't tell her parents and get their consent, she will have to pay for the costs of the treatment herself. Because the treatment might be very expensive, she may want to ask her physician to help find a low-cost or free provider, or help her talk to her parents.

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A public health officer tells **Larry** that he may have an STD. Can the officer tell Larry who transmitted it?

No. The officer can reveal only that Larry is at risk. He or she cannot reveal the name of the contact.

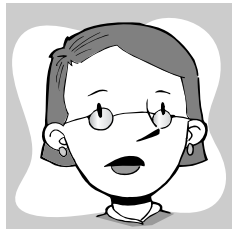
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A 14-year-old girl, **Sally**, wants to get a prescription for the pill. Does she need parental consent?

No. Certain government programs provide for contraceptives, including the pill, to be made available to minors without parental consent. Private physicians **may** provide contraceptives to their minor patients without parental consent if the patient is mature enough to give consent.

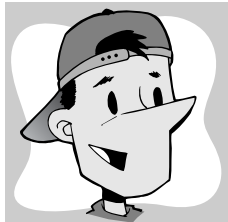
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**Susan**, a 15-year-old who lives with her mother, is HIV positive. She has never told her mother that she is HIV positive, and now she has developed an AIDS-related illness. She wants medical care but will avoid treatment if she is required to tell her mother. Can the physician treat her without parental consent?

Yes. The physician can treat Susan without consulting either of her parents. However, the physician may wish to help Susan find a supportive adult in whom she can confide about her situation.

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**Jordan** is a 17-year-old teen who is gay. He recently moved out of his parent's home and rented an apartment. His new landlord just found out that Jordan is gay and wants him to leave. Can Jordan's landlord evict him because he is gay?

Maybe. Some cities in Ohio prohibit discrimination based on sexual orientation. Other do not. Either way, Jordan may be able to bring a claim for breach of contract against his landlord.

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**Kate** is 17. She had sex last night with her boyfriend and the condom broke. She is scared that she will get pregnant and her parents will find out. Is there anything she can do?

Yes. Kate can use emergency contraception (EC), which is also called "the morning after pill." EC is more effective the sooner it is used. The first dose should be taken within 72 hours after sexual activity. However, if used within 5 days (120 hrs), it will still significantly reduce the chances of pregnancy. Kate needs a prescription for EC, so she has to see a doctor or go to a clinic. Many clinics that provide birth control also provide EC. She does not need parental consent to get EC, and the services can be provided confidentially.

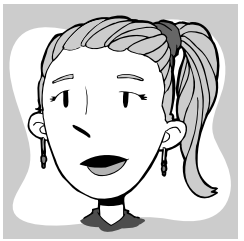
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*Shana is a 14-year-old teen mother. After she gave birth, her parents threatened to make her move out of the house unless she put her baby up for adoption. Knowing that she could not support her baby on her own, Shana reluctantly agreed to the adoption. Can Shana revoke her consent?*

Probably. A court will not allow Shana to take back her consent simply because she's 14, but a court must always keep the best interests of the child in mind when making decisions in an adoption case. If the court feels that it is in the baby's best interests to stay with his or her mother and great-grandmother, then the court will most likely allow Shana to revoke her consent.

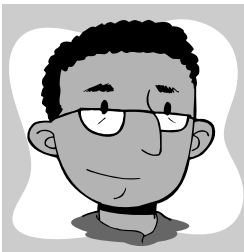
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*Rebecca is 16. She is from New York but is staying in Ohio for the summer for a music program. She has found out that she is pregnant and wants to terminate the pregnancy. Does she need to tell her parents?*

Yes. Although teens may undergo abortions in New York without parental consent, Rebecca is subject to Ohio law while she is visiting the state. A parent, custodian or guardian of a person 17 or younger must consent to a minor's abortion. If a parent will not consent to an abortion, the minor can seek a judicial bypass.

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*Rahim is 15. He is severely depressed and wants mental health treatment. His parents, however, refuse to allow it. The physician believes that he needs to be treated. Can the doctor treat Rahim?*

Yes – if Rahim consents to the treatment.

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*Dominique's friend Beth has stopped eating lunch with their group of friends at school. Beth goes to the bathroom after lunch every day, and yesterday Dominique heard her vomit. Dominique is worried that Beth might have an eating disorder. What can Dominique do for Beth?*

Dominique can talk to Beth privately about why she is worried. If this does not help Beth, Dominique can go to a school guidance counselor, a nurse or Beth's parents. Telling an adult may feel like betraying a friend, but an eating disorder can become life threatening if a person does not receive help.

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*Lee is 16. He is thinking about talking to a school counselor about his drinking problem but is scared that his parents will be notified. Can he receive counseling without parental consent?*

Yes. A minor does not need parental consent to receive counseling. Whether or not the counselor decides to treat Lee, his parents cannot be informed without his permission.

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*Renee is 16 years old. Her uncle has repeatedly raped and assaulted her. Renee's parents will not consent to medical treatment for their daughter because they fear the doctor will report the abuse to the police. Can Renee obtain treatment without her parents' consent?*

Yes. A minor can consent to treatment if it considered a "necessary." Also, by prohibiting treatment, Renee's parents may be charged with neglect or child endangerment. The health care provider may report the incident to the authorities if abuse is involved. Depending on the circumstances, the parents may also be responsible for the costs of the treatment.

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*Amber is 17. She wants to get her belly button pierced but knows that her parents will not give their consent. She asks her grandmother to take her to get pierced instead. Can Amber's grandmother consent to the piercing in place of a parent?*

No. Amber's grandmother is not her parent or guardian, so she has no legal ability to make decisions for Amber. Amber will have to get one of her parents to consent before she can get her belly button pierced.

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