



→ Use this code with your phone's QR code reader to go directly to a mobile-friendly version of the guideline.

■ This 1/4-Folded Guide is a companion to the New York State Department of Health AIDS Institute Guideline: Adolescent Consent to HIV and STI Treatment and Prevention. The full guideline is available at www.hivguidelines.org.

- Adolescents may be at risk for abuse if they disclose that they have HIV or are at risk of acquiring HIV. Appropriate referrals and assistance should be offered to patients reporting such risk.
- Discussions about disclosure and possible risks to the adolescent can be documented in the medical record.
- Supportive adults may be an important resource to help adolescent patients remain engaged in care. Clinicians can help patients identify supportive adults and facilitate conversations around disclosure if requested.
- Coordination with insurance companies is necessary to ensure that confidentiality is managed according to the wishes of an adolescent patient.

KEY POINTS

- Stay up to date on NYS law regarding consent and confidentiality for adolescents.
- Ensure that adolescents <18 years old receive confidential care for HIV treatment and prevention.
- Educate adolescents who have or are at risk for HIV about the law and their rights.
- Inform adolescents about NYS reporting requirements.
- Ensure that institutional policies reflect NYS law regarding adolescents <18 years old who seek care for HIV treatment or prevention and who choose not to disclose this to their parents or legal guardians.
- Encourage adolescents who consent to their own care to identify an adult who can provide support.
- Make every effort to prevent disclosure of confidential information through release of medical records, pharmacy records, or explanation of benefits by creating clear policies and providing resources to help adolescent minors navigate the complexities of the healthcare system.

GOOD PRACTICES

- Adolescents with HIV should be encouraged to remain in care and keep scheduled appointments. Adolescents may consent to and are eligible for all of the following essential medical services:
- Prescription and management of antiretroviral therapy
- Standard disease monitoring (e.g., physical and laboratory assessments such as CD4 counts and viral load tests)
- Screening and treatment for STIs
- Recommended immunizations, including for human papillomavirus
- Sexual health and family planning services. In NYS, minors can consent to all forms of contraception, including condoms, emergency contraception, and long-acting methods such as implants. Minors may also consent to abortion services without parental involvement.
- Counseling and treatment for risk reduction, mental health, and substance use, as permitted by law

RETENTION IN CARE

- Education about and assistance with an insurance plan's member services regarding the following rights is essential so adolescents are able to:
- Opt out of explanations of benefits or other communications (e.g., prior authorization notices) that are mailed to their parents or legal guardians regarding HIV care.
- Request that insurance cards be mailed to the address of their choice (e.g., an alternate to family address).
- Ensure that information is not inadvertently disclosed through electronic portals that parents or legal guardians are able to access.

CONSENT PROCESS AND CONFIDENTIALITY

RESOURCES

NYSDOH:

- HIV Testing, Reporting and Confidentiality in New York State 2017–18 Update: Fact Sheet and Frequently Asked Questions: Question 5: Expansion of Minor Consent for HIV Treatment and Preventive Services https://www.health.ny.gov/diseases/aids/providers/testing/docs/testing_fact_sheet.pdf
- December 19, 2017 Dear Colleague Letter regarding recent changes to NYS law regarding the right of minors to consent for sexually transmitted disease (STD) and HIV prevention and treatment services https://www.health.ny.gov/diseases/communicable/std/docs/letter_minor_consent.pdf
- Frequently Asked Questions: Guidance for Local Health Departments (LHD) and Health Care Providers on STI Billing and Minor's Consent to Prevention Services and HIV-related Services https://www.health.ny.gov/diseases/communicable/std/docs/faq_billing_consent.pdf
- Talking with Young People: Why it is important to talk with young people about HIV, STDs, hepatitis, and sexual health <https://www.health.ny.gov/publications/0243.pdf>
- New York State Youth Sexual Health Plan https://www.health.ny.gov/community/youth/development/docs/nys_youth_sexual_health_plan.pdf

Legal Action Center:

- Help with legal policy for people with criminal records, substance use disorders, and HIV or AIDS <https://www.lac.org/>

New York Civil Liberties Union:

- Teenagers, Health Care, and the Law: A Guide to Minors' Rights in New York State <https://www.nyclu.org/sites/default/files/publications/thl.pdf>

Clinical Education Initiative (CEI):

- www.ceitraining.org
- 1-866-637-2342 Toll-free

HIV CLINICAL RESOURCE ■ 1/4-FOLDED GUIDE

VISIT HIVGUIDELINES.ORG TO LEARN MORE OR VIEW COMPLETE GUIDE



GUIDANCE: ADOLESCENT CONSENT TO HIV AND STI TREATMENT AND PREVENTION

NYSDOH AIDS INSTITUTE HIV CLINICAL GUIDELINE

JANUARY 2021

NEW YORK STATE LAW

Minors are eligible to consent to HIV screening, treatment, and prevention in NYS.

According to NYS Public Health Law Article 23, Title 1, Section 2305, individuals <18 years old may give effective informed consent for services related to screening, treatment, and prevention of STIs, including HIV. Minor consent laws vary by state, and clinicians should be familiar with state laws.

Immunization reporting: The 2006 NYS Immunization Registry Law requires healthcare providers to report the immunization history for and all immunizations administered to patients <19 years old using the NYSIS or the Citywide Immunization Registry (in NYC). There are no exemptions to the reporting mandate, so vaccination against HPV is required as well.

Minors who independently consent to vaccination against HPV should be advised of these reporting requirements and further advised that any immunization-specific information reported to the NYS or NYC systems may be requested by a parent or guardian.

FEDERAL LAW

Federal law 45 CFR §164.524 requires that healthcare providers give patients access without charge to all of the health information in their electronic medical records.

Healthcare providers should become familiar with their institutional policies regarding health information sharing for minors, should advocate for policies that incorporate adolescent confidentiality protections, and should be able to provide guidance to minors on how to access and protect their health information.