



→ 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 of 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 New York State 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 of HIV about the law and their rights.
- Inform adolescent patients about New York State reporting requirements.
- Ensure that institutional policies reflect New York State 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 HPV.
- Sexual health and family planning services. In New York State, 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 2023 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
- HIV Testing Toolkit 2023 Update: Resources to Support Routine HIV Testing for Adults and Minors https://www.health.ny.gov/diseases/aids/providers/testing/docs/testing_toolkit.pdf
- NYSDOH Letter: Explanation of 2017 changes to New York State 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
- Sexually Transmitted Infections Fact Sheets https://www.health.ny.gov/diseases/communicable/std/fact_sheets.htm
- Sexual Health Campaign <https://campaigns.health.ny.gov/SexualHealth>

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

CLINICAL GUIDELINES PROGRAM ■ 1/4-FOLDED GUIDE

VISIT HIVGUIDELINES.ORG OR SUGUIDELINESNYS.ORG TO SEE FULL GUIDE



GUIDANCE: ADOLESCENT CONSENT TO HIV AND STI TREATMENT AND PREVENTION

NYSDOH AIDS INSTITUTE HIV CLINICAL GUIDELINE

MAY 2024

NEW YORK STATE LAW

Minors are eligible to consent to HIV screening, treatment, and prevention in New York State.

According to New York State 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 New York State Immunization Registry Law requires healthcare providers to report the immunization history for and all immunizations administered to patients <19 years old using the New York State Immunization Information System or, in New York City, to the Citywide Immunization Registry. 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 New York State or New York City 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.