

# Minor Rights: Access and Consent to Health Care

*A resource for providers, parents and educators*



Who's  
missing in  
this picture?

## Not a legal document.

This resource is intended to provide basic information about minors' ability to consent to health care services, as well as how health care information is treated in Oregon. *It is not intended to be a legal document or a substitute for legal advice or direction on specific client or health care provider questions related to the topics covered in this publication.* Adults will want to be aware of minors' consent rights in order to support good communication with the youth in their lives. The information in this guide summarizes and references, to the best of our understanding, federal laws and Oregon state laws (e.g., Oregon Revised Statutes or ORS), and not those of other states. The document also does not attempt to address other physician "best practices," recommended standards of care or institutional policies related to client decision-making. To find the most current versions of these laws, refer to the links provided throughout the publication.

April 2011

## Sample Questions from 2015 Oregon Healthy Teen Survey (Oregon Health Authority and Oregon Department of Education)

### 8<sup>th</sup> grade

<https://oregonhealthyteens.pridesurveys.com/info/oht14-08.pdf>

149 questions

1. During the past 3 months, with how many people did you have sexual intercourse
2. The last time you had sexual intercourse, what method(s) did you or your partner use to prevent pregnancy? (ie: IUD, implant ,injectable birth control, Birth control pills, patch, ring, etc)
3. How many times in your life have you participated in the Choking Game yourself?
4. During the past 12 months, how many times did you actually attempt suicide?
5. During the past 7 days, how many times did you eat carrots?
6. During the past 12 months, did you have any emotional or mental health care needs that were not met?
7. During the past 12 months, how many days of school did you miss because of physical health reasons?
8. Does your school have a School-Based Health Center?
9. Would you say that in general your emotional and mental health is?
10. Do you think of yourself as... Lesbian or gay; Straight, that is, not lesbian or gay Bisexual; Something else; Don't know /Not sure?
11. Please tell us your zip code.
12. How wrong do your parents feel it would be for you to ...
13. Do you agree or disagree with the following statement: Cigarette companies deliberately advertise and promote cigarettes to encourage youth under 18 to smoke.
14. During the past 30 days, how many times have you used prescription drugs (such as Oxycontin, Percocet, Vicodin, Codeine, Adderall, Ritalin, or Xanax) without a doctor's orders?
15. Do you receive free or reduced price lunches at school?

### Grade 11

164 questions

<https://oregonhealthyteens.pridesurveys.com/info/oht14-11.pdf>

\*Same questions as shown above and also...

1. During the past 12 months, how many days of school did you miss because of emotional or mental health reasons?
2. Because of a physical, mental, or emotional condition, do you have difficulty doing errands alone such as visiting a physician's office or shopping?
3. During the past 12 months, did you ever feel so sad or hopeless almost every day for two weeks or more in a row that you stopped doing some usual activities?
4. Gambling involves betting anything of value (money, a watch, soda, etc.) on a game or event. Please check ALL the different types of gambling that you have bet on, if any, during the last 30 days. (Select one or more responses.)
5. During your life, with whom have you had sexual contact? I have never had sexual contact; Females; Males; Females and males.
6. I have never smoked cigarettes, not even one or two puffs 1 or more puffs, but never a whole cigarette 1 cigarette 2 to 5 cigarettes 6 to 15 cigarettes (about 1/2 a pack total) 16 to 25 cigarettes (about 1 pack total) 26 to 99 cigarettes (more than 1 pack, but less than 5 packs) 100 or more cigarettes (5 or more packs)
7. How old were you when you smoked a whole cigarette for the first time?
8. During the past 30 days, how did you get marijuana?
9. Does your family own a car, van, or truck?
10. How many computers does your family own?



OREGON Youth  
Sexual  
**HEALTH**  
**PLAN** 



## Additional resources

### *General resources*

Center for Adolescent Health and The Law - [www.cahi.org](http://www.cahi.org)

Confidentiality and Teens - [www.aafp.org/online/en/home/policy/policies/a/adol2.html](http://www.aafp.org/online/en/home/policy/policies/a/adol2.html)

Family Educational Rights and Privacy Act - [www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

Federal regulations on confidentiality of minor drug and alcohol treatment records (42 CFR 2.14) - [edocket.access.gpo.gov/cfr\\_2002/octqtr/42cfr2.14.htm](http://edocket.access.gpo.gov/cfr_2002/octqtr/42cfr2.14.htm)

Health Insurance Portability and Accountability Act - [www.hhs.gov/ocr/privacy/hipaa/understanding/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html)

Minors rights to consent by state - [www.guttmacher.org/statecenter/spibs/spib\\_MACS.pdf](http://www.guttmacher.org/statecenter/spibs/spib_MACS.pdf)

Oregon DHS Adolescent Health Section - [www.oregon.gov/DHS/ph/ah](http://www.oregon.gov/DHS/ph/ah)

Oregon minor consent laws - [www.oregon.gov/DHS/ph/ah/sbhc/docs/OregonMinorConsentStatutes.pdf](http://www.oregon.gov/DHS/ph/ah/sbhc/docs/OregonMinorConsentStatutes.pdf) and [www.oregon.gov/BCSW/pdfs/Age\\_Of\\_Majority.pdf](http://www.oregon.gov/BCSW/pdfs/Age_Of_Majority.pdf)

Oregon Revised Statutes (ORS) - [www.oregonlaws.org](http://www.oregonlaws.org) and [www.leg.state.or.us/ors](http://www.leg.state.or.us/ors)

### *Resources for teens and parents*

Adolescent health resources and links - [www.plannedparenthood.org/ppsworegon/resources-cool-links-29023.htm](http://www.plannedparenthood.org/ppsworegon/resources-cool-links-29023.htm)

Guide to confidential services and information for teens - [www.cahi.org/PDFs/AGuideforTeensBrochure.pdf](http://www.cahi.org/PDFs/AGuideforTeensBrochure.pdf)

Planned Parenthood - [www.plannedparenthood.org](http://www.plannedparenthood.org)

Sexual health resources for teens written by teens - [www.sexetc.org](http://www.sexetc.org)

## References

- 1 Oregon Healthy Teens Survey. 2009. Data available at [www.dhs.state.or.us/dhs/ph/chs/youthsurvey/ohtdata.shtml](http://www.dhs.state.or.us/dhs/ph/chs/youthsurvey/ohtdata.shtml).