

Date: September 6, 2001

From: MCH Consultant, PAIHS

Subject: Provision of care to adolescents

To: Steve Thompson, FNP
Salt River Clinic

As per your request for clarification, the IHS policy regarding the provision of pregnancy and gynecological medical care services to adolescents is as follows:

“In accordance with applicable State laws, counseling and services regarding pregnancy, sexually transmitted diseases and family planning may be provided without the parents knowledge and consent. In general the IHS policy is to encourage adolescents to involve their parents in their health care. It is the adolescent’s responsibility to inform his/her parents. The health care provider should encourage, counsel and support adolescents in the process of involving their parents.”

In Arizona, the age of majority is 18. By law, those minors who are married, emancipated or in the military may consent for their own health care, including women’s health services. No Arizona statute defines emancipation. Additionally, Arizona has no legislation which specifically grants or denies minors the right to consent for family planning or pregnancy-related care. But, there is legislation which states that minors may specifically obtain evaluation and treatment for venereal disease and pregnancy diagnosis without parental consent.

AAP, ACOG, federal guidelines, and published Arizona guidelines all support the right of minors to have access to family planning/contraceptive and STD services (attached legal opinion “Consent for treatment of minors” and “Sex and the Law”. Therefore, in relation to their own reproduction, minors are to be treated as adults. These guidelines reflect an increasing legal and social view of the adolescent as an individual responsible for his/her own actions, a “mature minor”. A mature minor is commonly considered to be at least age 15 and, through living at home, demonstrates the cognitive maturity to give informed consent.

Special concern is recommended when adolescents, 14 years of age and under, present for care. In early adolescence, many patients have not reached a development stage where they have the ability to care for an infant and/or participate in a sharing adult relationship. Early sexual activity is also known to be associated with other social problems and/or child maltreatment. When seeing these adolescents, a referral to social services may be considered to provide additional

assistance and support to these adolescents and their families.

Medical Care Services for the Adolescent

Page - 2 -

In response to your question regarding duty to report the pregnancy to a social service and/or law enforcement agency. As stated previously, it is true that, especially in the 12-14 year old age grouping, concerns of possible child maltreatment and/or sexual abuse are raised. And, there may be a duty to make a report to local authorities, **if there are indications of child maltreatment and/or statutory violations**. But, the “automatic” reporting of a teenagers pregnancy, without due cause, is a violation of the federal privacy act and an “unwarranted invasion of the pateints’ privacy”. (See attached opinion July 21, 1993) The criteria for reporting the sexual abuse of a minor, as defined within 18 U.S.C 2243, is attached.

All primary care providers are encouraged to provide women’s health care services as requested by the adolescent. It is also appropriate, and prudent, to follow IHS guidelines by documenting the parental involvement and/or the encouragement of parental involvement. The exception to this may be colposcopy /biopsy services, which could be considered a non emergent surgical service. In this case, the best policy would be to obtain both the adolescent’s and parent/guardian’s consent.

Please let me know you have further questions and/or concerns regarding this issue.

Sincerely,

Dorothy J. Meyer, CNM, MPH
MCH Consultant
Phoenix Area Indian Health Service

cc: Ms. McCraw-Helms
Dr. McGee

Attachments: Confidentiality in Adolescent Health Care (ACOG)
Consent for Medical Services for Children and Adolescents (AAP)
Consent (Chapter 1, Sex & the Law - Arizona Legal Guide on Reproduction,