

<p>WEBER HUMAN SERVICES</p> <p style="text-align: center;">Policy & Procedure</p> <p style="text-align: center;">HIPAA/Privacy PHI RIGHTS OF MINORS</p>	<p>NUMBER</p> <p>12</p>
	<p>APPROVED</p> <p>2/21/2014</p>
	<p>REVIEWED</p> <p>5/11/2017</p>
	<p>REVISED</p>

PURPOSE:

HIPAA provides individuals with certain rights related to their Protected Health Information (PHI), including the right to request their PHI be kept confidential. Although minors do not generally have the authority to exercise rights on their own behalf, state law and HIPAA provide minors with the authority to exercise control over certain categories of their own PHI.

This Policy describes when, and under what circumstances, WHS, as the minor’s health care provider, must maintain the confidentiality of a minor's PHI when it is requested by the minor's personal representative (parent).

POLICY:

The Facility will respond appropriately to minors' requests to keep certain categories of their PHI confidential and to exercise the rights granted to clients by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in accordance with city, state, and federal laws and regulations.

DEFINITIONS:

A **minor** is an individual who is under 18 years of age, and who is neither married, nor the parent of a child, nor designated as an emancipated minor.

A **minor's personal representative** is the minor's parent, legal guardian, or another with documentation proving he/she has legal custody of the minor (e.g., a stepparent who presents valid custody papers).

PROCEDURES:

1. A minor cannot seek and receive treatment from Weber Human Services without parental consent.
2. The minor's personal representative does have the right to the minor's PHI related to mental health treatment.
3. The minor's personal representative does NOT have the right to the minor's PHI related to treatment, diagnosis or prevention of a substance use disorder unless the minor authorizes the release.
4. **Abuse.** If the Facility reasonably believes the minor has been or is subject to domestic violence, abuse, and/or neglect by the minor's personal representative and that keeping the minor's PHI related to the abuse confidential is in the best interests of the minor, the Facility may refuse to release or provide access to the minor's abuse-related PHI to the minor's personal representative.
5. **Requests for PHI from the minor's school.** If the Facility receives a request for a minor's PHI from the minor's school, the Privacy Officer or designee will provide the requested PHI either:

- to the minor's personal representative to be provided to the minor's school; or
- if the PHI includes information about treatment for a substance use disorder, to the minor who may then provide it to the school.

If the school requests the minor's PHI be sent directly from the Facility, before disclosing the PHI to the school, the Privacy Officer or designee will either:

- obtain the minor's personal representative's written authorization for the release; or
- if the PHI includes information about treatment for a substance use disorder, obtain the minor's written authorization for the release.

6. **Questions.** Any questions about whether a minor's PHI is confidential, or whether the Facility should allow access to it or make it available to the minor's personal representative should be directed to the Privacy Officer.