

Agenda Item	Discussion	Decision/Action/Goal	Assigned to	Due
Review/Approve minutes				
Review action items				
Presentation	Presenter this month was Sonja Ganger, RN, BSN, Director of Patient Access/Materials Management at WSMC.			
	Sonja shared with us a video of a webinar: <i>2017 OCR Enforcement on HIPAA Privacy for Minors: Legal Mandates & Policies for PHI Security & Access to Medical Records for Minors</i> , by Paul W. Kim, Esq., Cole Schotz			
	The presentation started out with a brief description of the federal HIPAA law, which actually contains very few "rules", leaving it up to the states for their requirements. HIPAA gives the minimum requirements but states can require more.			
	In 48 states the age of majority is 18 years old (Alabama and Nebraska are 19 years old). This means that with few exceptions, in the state of Michigan the patient must be 18 years old to sign a consent.			
	Emancipation is a legal term, granting the age of majority by court order. Some states make a distinction between Consent vs. Assent by minors - Consent is legal age of majority, Assent is a requirement by some states (not MI) to have the minor child agree to treatments or decisions, but the parent still needs to give legal consent. It was suggested the it is Best Practices to document assent of minors in the medical record.			

Agenda Item	Discussion	Decision/Action/Goal	Assigned to	Due
	<p>There are some treatments that each state dictates consent by minors including mental health, substance abuse, STD testing and treatment, HIV/AIDS and pregnancy.</p> <p>The pregnancy exception only covers the pregnancy itself, so the minor must get consent for treatments by the parent/guardian if the treatment is unrelated to the pregnancy or the care of the minor child resulting from the pregnancy.</p> <p>The above listed treatments also require special consent from adults to disclose information.</p>	<p>Sonja was getting clarification on the pregnancy consent and will follow up with us so we can share with all.</p>		
	<p>Who can sign for minors? Personal representative (POA, makes the decisions under HIPAA Federal law), Parent, Legal Guardian (court signed papers needed) and Court-Appointed Ward (signed papers needed).</p>			
	<p>Exceptions to Federal HIPAA Law:</p> <p>Exception 1: Minor consents (not assent) under state law, consent by parents not required under state laws; including emancipated minors, records involving pregnancy, drug abuse, etc. HIPAA defers to state law in these areas.</p> <p>Exception 2: Court order or court appointed ward - court order trumps any legal documents of parents/guardians.</p> <p>Exception 3: Agreement by parent of confidential healthcare provider-minor patient relationship allows the parent/guardian to allow the minor to speak with provider with the understanding that the parent cannot know what was talked about. Not every state allows this.</p>			
	<p>Some real life examples were presented. Parents separated but not legally divorced: You should as</p>			

Agenda Item	Discussion	Decision/Action/Goal	Assigned to	Due
	<p>"Does it involve an agreement?", "Does it speak to consent for minors?" If no legal documents it goes to physical custody of the patient/minor. We have no legal duty to affirmatively find out, but we have the authority to inquire further in the case of different names on insurance cards or parents requesting records, etc. Divorce legally gives custody and consent and we must ask for the legal document that spells this out.</p>			
	<p>A minor may consent but is covered under the parent's health plan. State law may include invoices under their minor consent rules. It is Best Practices to convey to the minor child that the office/medical facility has no control over EOB's from the insurance companies.</p>			
	<p>The final example given was for school-based health clinics treating minor students and that they are given no exception because of location - the clinic is a covered entity under HIPAA, even if the school is not.</p>			
Adjourn	The meeting was adjourned at 1:00 p.m.			
Next Meeting	April 19,2017			