

CHAPTER 6 PROTECTION OF MINORS

600 MINOR'S HEALTH CONSENT

- 600.1 Any person who is eighteen (18) years of age or older may consent to the provision of health services for himself or herself, or for his or her child or spouse.
- 600.2 Any minor who is seventeen (17) years of age or more may consent to voluntarily donate blood to a nonprofit organization, being regarded as having achieved his or her majority for the purposes of this section.
- 600.3 A minor parent may consent to the provisions of health services to his or her child.
- 600.4 Health services may be provided to a minor of any age without parental consent when, in the judgement of the treating physician, surgeon, or dentist, the delay that would result from attempting to obtain parental consent would substantially increase the risk to the minor's life, health, mental health, or welfare, or would unduly prolong suffering.
- 600.5 A health professional may render or attempt to render emergency service of first aid, medical, surgical, dental, or psychiatric treatment without compensation to any injured person or any person regardless of age who is in need of immediate health care when, in good faith, the professional believes that the giving of aid is the only alternative to probable death or serious physical or mental damage.
- 600.6 In an emergency where major surgery or any dangerous procedures will be performed, concurrence of another physician shall, if practical, be obtained.
- 600.7 A minor of any age may consent to health services which he or she requests for the prevention, diagnosis, or treatment of the following medical situations:
- (a) Pregnancy or its lawful termination;
 - (b) Substance abuse, including drug and alcohol abuse; and
 - (c) A mental or emotional condition and sexually transmitted disease.
- 600.8 Self-consent of minors shall not apply to sterilization, such as tubal ligation or vasectomy.

601 FINANCIAL RESPONSIBILITY

- 601.1 A minor who consents to the provision of health services to himself or herself, or to the minor's child, under the terms of this chapter shall be liable for the payment of the services rendered pursuant to this chapter.
- 601.2 The spouse, parent, parents, or legal guardian shall not be liable for payment of services rendered, unless the spouse, parent, parents, or legal guardian have expressly agreed to pay for the care.
- 601.3 The minor consenting for health services shall assume financial responsibility for the cost of those services, except minors who are proven unable to pay and who receive the services in public institutions, or who qualify for medicaid or other subsidized forms of relief.

602 LIABILITY OF PROVIDER

- 602.1 No physician, surgeon, dentist, or health or mental care facility shall be compelled against his, her, or its best judgment to treat a minor on the minor's own consent.
- 602.2 A physician, surgeon, dentist, or health or mental care facility that refuses to treat a minor on the minor's own consent shall refer the minor to another facility.
- 602.3 If having acted in good faith, no physician, surgeon, dentist, or health or mental health care facility shall be held liable on the basis of a minor's misrepresentations.
- 602.4 Any minor who is examined, treated, hospitalized, or receives health services under this chapter may give legal consent, and no person who administers the health services shall be liable civilly or criminally for assault, battery, or assault and battery; or any other civil legal charge, except for negligence or intentional harm in the diagnosis and treatment rendered to the minor and for violations of the D.C. Mental Health Information Act of 1978.
- 602.5 Except as provided in the D.C. Mental Health Information Act of 1978, the health professional may, but shall not be obligated to, inform the parent, parents, or legal guardian of the minor of any treatment given or needed when, in the judgment of the health professional, the following situations exist:
- (a) Severe complications are present or anticipated;
 - (b) Major surgery or prolonged hospitalization is needed;
 - (c) Failure to inform the parents or legal guardian would seriously jeopardize the safety and health of the minor patient; and
 - (d) To inform them would benefit the minor's physical and mental health and family harmony.

602 **LIABILITY OF PROVIDER** (Continued)

- 602.6 Except as provided in §602.7, such information about any treatment administered or needed shall be given to the minor's parent, parents, or legal guardian only when the minor consents or when, because of the minor's age or condition, the attending health professional can reasonably presume consent.
- 602.7 Information about any treatment needed by a minor who is found to be infected with a sexually transmitted disease and who has refused treatment shall be given to the minor's parent, parents, or legal guardian.
- 602.8 Except by specific legal requirements, no information in regard to sexually transmitted disease, drug substance abuse, pregnancy, and emotional illness shall be given by the health professional to another professional, school, law enforcement official, court authority, government agent, spouse, future spouse, employer, or any other person without consent of the minor, unless giving the information is necessary to the health of the minor and the public, and only when the minor's identity is kept confidential.
- 602.9 Notification of disclosure to the spouse, parent, parents, or legal guardian by the health professional shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged communication, or any other legal basis of liability.
- 602.10 When a minor is found not suffering from a drug or substance abuse, including alcohol and nicotine, no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in this section, without the consent of the minor.

603 **CONTRACEPTIVE INFORMATION, SERVICES, AND DEVICES FOR MINORS**

- 603.1 Birth control information, services, and devices shall be provided by the health facilities operated by the District of Columbia, and may be provided by any qualified person or institution, without regard to the age or marital status of the patient or the consent of the patient's parent or guardian.
- 603.2 Prenatal and postnatal care, and necessary medical care for the babies, shall be provided by the health facilities operated by the District of Columbia, and may be provided by any qualified person or institution, without regard to the age or marital status of the patient or the consent of the parent or guardian of the minor mother.

699 DEFINITIONS

699.1 As used in this chapter, the following terms shall have the meanings ascribed:

Consent - informed consent, to give information, to make known, or to impart knowledge of a fact or circumstance of treatment or procedure.

Emancipated minor - a minor who is or has been married; or who is serving or has served in the armed forces; or who is employed and contributing more than half of his or her own support if residing with his or her parents; or who is residing apart from his or her parents and managing his or her own affairs; or who is making the major decisions affecting his or her own life.

Foster family home - a family home maintained by an individual or individuals in which a child or children under fifteen (15) years of age is or are received for part or full-time board or care; Provided, that the child or children is or are not within the fourth (4th) degree related by blood or marriage to, nor adopted by, the individual or individuals, nor for whom the individual or individuals is or are the duly appointed guardian or guardians.

Health professional - state licensed physician, psychologist, dentist, osteopathic physician, nurse, and other licensed practitioner.

Health services - health services specified by the state, appropriately delivered by different health professions including examination, preventive and curative treatment, operation, hospitalization (admission or discharge), giving or receiving blood and blood derivatives, receiving organ transplantation, pledging donation of organs after death, the use of anesthetics, and receiving contraceptive advice and devices.

Minor - any person under the age of majority as defined by the District statute or under eighteen (18) years of age, whichever is lower.

Parent - either natural parent or legal guardian.