Introduction

Deepen your team s understanding of minor consent laws and explore best practices for providing confidential care to adolescents. This Spark outlines Arkansas laws. Please contact us to see if we have this Spark available for your state or if you would like us to develop one based on the minor consent laws in your state!

Objectives

By the end of this Spark training, participants will be able to:

- Identify which services minors have a right to access without a parent/guardian's consent
- State the circumstances that health care providers must override a minor's confidentiality and report

Supplies

Prepare these supplies prior to facilitating this Spark.

- Laptop
- Projector
- Copies of the *Arkansas Confidentiality/Minor Consent Laws Spark Handout* for all participants
- Writing utensils for all participants

Additional Resources

If you would like to learn more about this Spark topic or want to find health care services to refer teens to, take a look at these additional resources:

- https://youthlaw.org/wp-content/uploads/ncylminorconsentcompendium2024-arkansas.pdf(The Network for Public Health Law CONSENT FOR CARE AND CONFIDENTIAL HEALTH INFORMATION Issue Brief)
- Physician Knowledge and Attitudes around Confidential Care for Minor Patients

Citation

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Key of Icons

= Slide change = Estimated duration of topic = Script for facilitator = Note for facilitator

Intro/Hook (4 minutes)

1 – TITLE SLIDE

Today we are going to do a 15-minute mini-training, also called a Spark. As youth-serving professionals, it is important that we understand adolescent confidentiality and minor consent. Each person here will have times where we need to know and comply with confidentiality laws, though it s different for our various roles. For each law and scenario we discuss, please think about how it applies to your role. To get us started, let s review a case scenario.

Introduce yourself/yourselves.

2 – CASE SCENARIO: SHAY

This is Shay who is 15. She is here today because of a sore throat. During her visit the clinician found out that she is concerned about having a STI. Shay says she is worried her mother will kick her out of the house if she knows Shay is sexually active. How does the right to confidentiality help or hurt Shay?

Give participants a moment to respond to the question on the slide. You may choose to have discussion here or just have people think about it.

Usually, not all of this patient information is available to everyone who comes into contact with her. When we know more details about a patient, does it affect how we feel about the patient s right to confidentiality? Even though we know the law says we need to respect teens confidentiality, it can be challenging when we think parents should be involved. What can go wrong if we accidentally break confidentiality?

Have a couple of people respond briefly. Main point: If we don t follow the laws, it can have a negative impact on teens.

Many teens choose to include their parent or guardian in decisions about their health. For some teens, however, having the option of certain confidential services makes it more likely that they will seek care when they need it. For instance, a sexually active teen may be more likely to use contraception if someone tells the teen that they can get birth control without a parent or guardian s consent.

Key Concepts (8 minutes)

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3. – AR LAW: PARENTAL CONSENT EXCEPTIONS

Let s review the laws and consider how we implement them here. In Arkansas, a parent or legal guardian can generally consent to health care on behalf of a minor. However, there are several circumstances when minors can consent to their own care:

- Care for married or emancipated minors
- Care related to pregnancy and childbirth, and certain sexual and reproductive health services
- Care for an unemancipated minor who is able to understand the consequences of proposed treatment

Pass out the Arkansas Confidentiality/Minor Consent Laws" handout.

4 – AR LAW: CONFIDENTIALITY/MINOR CONSENT

Here s a handout that explains Arkansas' confidentiality and minor consent laws. This slide also outlines the laws and can be a cheat sheet if you want to keep it handy. As we see here, Arkansas law allows minors to consent to certain health care services without parental/guardian consent. Keep in mind that a minor's ability to consent does not necessarily mean the care will remain confidential from a parent/guardian:

- Care related to pregnancy and childbirth, except abortion
- Birth control information and contraceptives
- Testing and treatment for sexually transmitted infections (STIs), including HIV
- Other medical care when the minor is able to understand the consequences of the treatment

Are there any questions?

5 – AR LAW: CONFIDENTIALITY/MINOR CONSENT FOR PREP

Here is some additional information about prescribing PrEP for adolescent patients in Arkansas.

- Minors may be able to consent to PrEP under Arkansas's general minor consent law
- Federal requirements may also apply to PrEP provided through certain federally funded family planning programs

6– CASE SCENARIO: SHAY

Let s go back to our 15-year-old patient scenario, Shay. Let s answer these questions together as I read through them.

Can Shay receive STI testing without a parent's permission? [Answer: Yes]

- Can she receive STI treatment? [Answer: Yes]

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- What if Shay was 13 years old? Answer: [Yes, she still could. Arkansas law does not specify a minimum age for a minor to consent to STI care. Providers should also assess whether the circumstances require a report of suspected child maltreatment.]

7 – ARKANSAS LAW: REPORTING

Now we re going to review when a provider may need to break confidentiality or make a report. Health care providers must follow Arkansas mandatory reporting laws when there is reasonable cause to suspect child maltreatment.

- There is reasonable cause to suspect child maltreatment, including sexual abuse
- Disclosure may also be necessary when there is a serious or imminent threat to the minor or someone else

Confidentiality rules depend on the type of care provided. For STI care, a physician may inform the minor's parent/guardian about treatment given or needed but is not required to do so.

Parental/guardian consent may still be required for some services, depending on whether the minor is otherwise able to consent under Arkansas law. Additional requirements may apply to:

- Vaccines, unless the minor is otherwise legally able to consent
- Mental health medications and inpatient mental health treatment, depending on the circumstances
- Abortion, which is currently prohibited in Arkansas except when necessary to save the life of a pregnant person in a medical emergency

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Application (3 minutes)

8 – CASE SCENARIO: GIOVANNI

Let s take a look at one last scenario. Giovanni is a 17-year-old boy who expresses concern about his alcohol use, but doesn t want to tell his parents.

Could Giovanni be able to consent to substance use treatment without a parent s consent?

Allow a moment for people to respond either quietly to themselves or aloud.

The answer is potentially. Arkansas law allows an unemancipated minor who is able to understand and appreciate the consequences of the proposed treatment to consent their own medical care. Additional requitements may apply depending on the type of treatment program.

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9 – THANK YOU!

To keep this conversation going over the next month, I will share Sparklers, or quiz questions, about confidentiality. I ll post the Sparklers around the office in places that you all can easily see them. When you see a Sparkler, take a moment to read them and reflect on the responses. Thank you for your participation!

Print and post Sparklers in areas your staff can see (e.g., lunchroom).

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