
Minor Consent

As a Virginia pediatrician, when may I treat a minor without parental consent?

In Virginia, a person under age 18 is considered a minor. Generally, minors cannot consent to medical or surgical treatment without authorization from a parent, guardian, or custodian, person standing in loco parentis to the minor, or another individual as set forth in Virginia Code § 54.1-2969.

Where a delay in providing medical or surgical treatment to a minor could adversely affect the minor's recovery and no person authorized by Virginia Code § 54.1-2969 is available within a reasonable time under the circumstances, treatment may be rendered to minors without consent. However, if the minor is fourteen years of age or older, his consent must be obtained before such treatment is provided. Va. Code § 54.1-2969.

When Minors May Consent

Virginia Code § 54.1-2969 provides that there are certain occasions upon which minors will be deemed adults for the purpose of consent. Situations in which minors may consent to medical treatment for themselves or others in Virginia include the following:

- A minor who has been married may consent to treatment for himself or herself except with regard to sexual sterilization. A pregnant minor may consent to surgical and medical treatment for herself and her child related to the delivery of the child, when that treatment is provided during the delivery of the child or the hospital stay that follows the delivery.
- A minor parent may consent to treatment for his/her own minor child.
- A minor may consent to the prevention, diagnosis, and treatment of (1) venereal diseases, (2) infectious or contagious diseases that the Board of Health requires to be reported, (3) pregnancy, (4) abuse of controlled substances or alcohol, or (4) mental illness or emotional disturbance.
- Although a minor is allowed by statute to consent to specified medical procedures, Virginia law allows the minor's parent, legal guardian, or a person standing in loco parentis, to obtain the following information:
 - The results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment, or rehabilitation for substance abuse; and
 - The minor's other health records, unless the minor's treating physician or clinical psychologist has determined that disclosing those health records to the parent, legal guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or to another person.



There are specific Virginia laws which determine what is valid consent for sterilization and abortion procedures.

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