

Record Release – Minor Patient

A minor patient disclosed her pregnancy to me, which I confirmed by test. Her mother has demanded a copy of the complete medical record, including the test result. May I release it?

Under state laws in each state listed, a minor patient (i.e., under 18 years old) may consent to their own treatment for pregnancy or the prevention of pregnancy. So your patient is, of course, free to undergo the test without Mom's consent. Other instances where minors may consent to their own medical treatment in Georgia include for substance abuse and sexually transmitted diseases.

Like consent to treat pregnancy, the right to authorize release of the medical records that document that care belongs to the minor patient. So Mom, well meaning though she might be, is not entitled to a copy of the record she has demanded. Since she may be entitled to the remainder of the record (i.e., the non-privileged portion), you can consider sending a redacted copy of the chart (where the privileged material is blackened out).

Regardless of the right to consent, the wise practitioner recognizes that a parent will likely discover the treatment anyway, when they receive your bill or the 'explanation of benefits' from their health insurer. In anticipation, they should therefore counsel the minor patient to allow a well-meaning parent to participate in care decisions. By appreciating and responding to the family dynamic, the physician will promote better compliance by the minor, and treatment will more likely be successful.

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