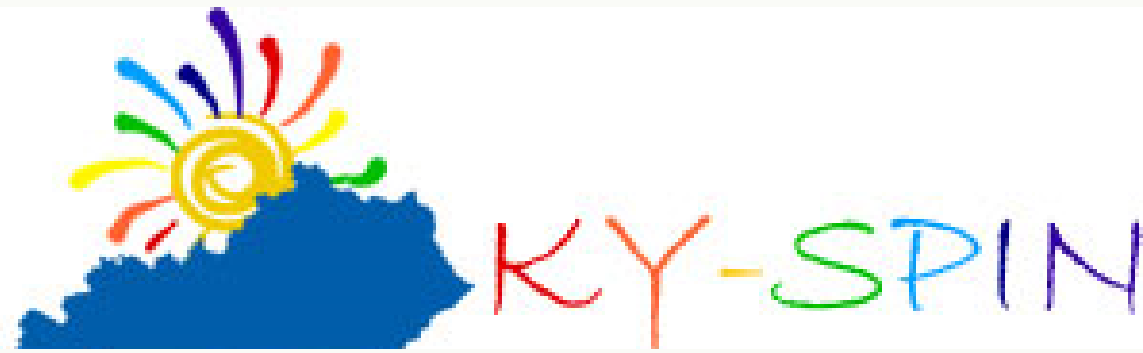


KY-SPIN Caregiver Support Group

Cracking the Code for Medical
Independence

Kentucky Special Parent Involvement Network (KY-SPIN) Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families and professionals.



We do NOT

Act as attorneys

We DO

Empower families to advocate for their children effectively.

Provide “peer to peer” support to help families access needed information and resources

Disclosure

This is not a Training of Trainers event. KY-SPIN does not authorize other agencies, organizations or individuals to train material.

This presentation is for educational use ONLY.

All rights for use reserved by KY-SPIN, Inc.

Today's Agreements:

- Listen attentively
- Speak from your own experiences
- No judgements (+) or (-)
- Confidentiality is a must

Let's
Play...

JEOPARDY

Medical Consent



EHR



Consent Categories



Medical Potpourri



200

200

200

200

400

400

400

400

600

600

600

600



How old does a child need to be to give MEDICAL CONSENT?

Consent is given to children when they reach the age of majority 18 years

- Exceptions:
 - Minor who has bore or fathered a child
 - Minor who is legally married
 - Minor who is legally emancipated

Complications...

- Conflicting laws between State and Federal Governments
- Differences between state laws and collected data

[Let's Learn More](#)



For what access does the child have to provide medical consent?

The areas of health that are affected by statute are as follows:

Any age for the following conditions

- Emergency treatment/services
- Pregnancy/reproductive services
- Drug/Alcohol abuse/treatment
- STIs

[Let's Learn
More](#)



Does a child with a disability have the right to give consent?

- Disability only negates these conditions if a court has appointed a guardian and has taken away the medical autonomy of a child
- Over 18 and guardianship has been established with Medical
- Over 18 and emergency Guardianship has been established with medical

[Let's Learn
More](#)



What is EHR?

EHR stands for Electronic Health Records. This is an electronic copy of all medical health records and history and can contain:

- Tests
- Medicine
- Procedures
- Health history
- Demographics
- Progress notes

[Let's Learn
More](#)

EHR records access are based on 3 categories in Kentucky Consent Laws



- Under the age of 13
- Age 13-17
- Age 18 and above, not under guardianship

[Next Slide](#)



At what age do parents lose access to their child's Electronic Health Records (EHR)?

EHR records access are based on the most current Kentucky Consent laws

- Age 13-17
- Age 18 and above, not under guardianship

[Let's Learn
more](#)



How can a parent get access to view their child's medical records?

Gaining access to your child's EHR is called Proxy Access. The process will be different depending on your healthcare provider and EHR system:

- Begin with a conversation with your child
- Speak to your medical providers
- Create a Parent Proxy Access

[Let's Learn
more](#)



Sexual and Reproductive Health

Sexual and Reproductive Health Consent refers to the following:

- STI
- Pregnancy
- Does NOT include abortion or sterilization

[Let's Learn
More](#)



What is the extent of Mental Health access?

Mental health services are available without parental consent to any minor aged 16 years and older

[Let's Learn
more](#)



General Health privacy including vaccines

Parental consent is needed for vaccines and general health with the following exceptions:

- Mental health (16 years)
- Reproductive health
 - NOT abortion and sterilization
- STI/HIV

[Let's Learn
more](#)



At what age does my child get to be independent in the doctor office?

Medical Independence is a personal and family choice:

- Begin practicing **EARLY**
- Work with medical provider to create a plan
- Normalize

[Let's Learn
more](#)



How does my child's privacy impact my/their insurance?

Regardless of age, if a minor independently seeks healthcare, there will need to be payment:

- Insurance notification can compromise privacy
- EOB (Explanation of Benefits) can compromise privacy

[Let's Learn
more](#)



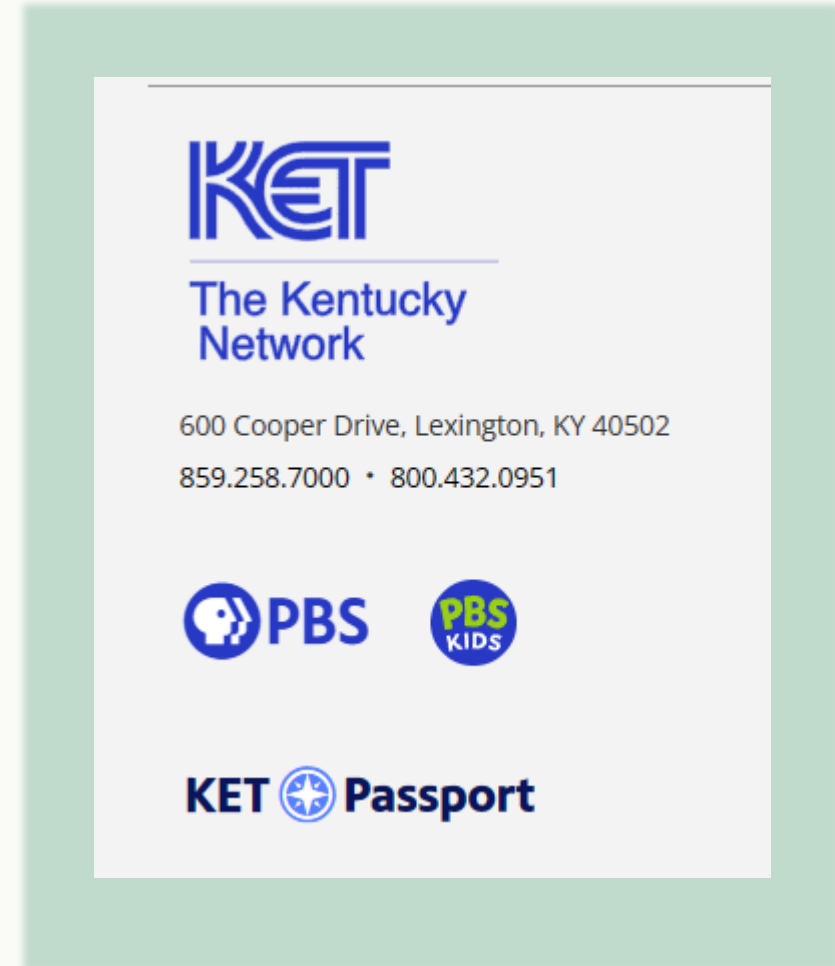
What do I do if my child is over 18 and there is a medical issue or emergency?

Unless an individual is under guardianship, the following options are available :

- Healthcare Power of Attorney (POA) with HIPAA authorizations
- Living Will
- In Case of Emergency Card through Docubank
- Emergency Protocol

Current Legislation

Parental Rights and Minor's Medical Records [PBS Video](#)



Next Steps

1. Talk with your child frequently
2. Speak to your physician and create an independence plan
3. Utilize [KY-SPIN Healthcare Resources](#)
4. Follow legal statutes, changes and initiatives

[PBS KET https://www.pbs.org/video/parental-rights-and-minors-medical-records-epfj8z/](https://www.pbs.org/video/parental-rights-and-minors-medical-records-epfj8z/)

[AMERICAN ACADEMY OF PEDIATRICS](https://publications.aap.org/pediatrics/article/149/6/e2021053458/187003/State-by-State-Variability-in-Adolescent-Privacy?autologincheck=redirected)

<https://publications.aap.org/pediatrics/article/149/6/e2021053458/187003/State-by-State-Variability-in-Adolescent-Privacy?autologincheck=redirected>

[FINDLAW.COM https://codes.findlaw.com/ky/title-xviii-public-health/ky-rev-st-sect-214-185/](https://codes.findlaw.com/ky/title-xviii-public-health/ky-rev-st-sect-214-185/)



If you still have questions...



(800) 525-7746

(502) 937-6894

spininc@kyspin.com

www.kyspin.com

