

## EVMS Medical Group

**POLICY: Minors**

**DATE: 3/2003**

**CATEGORY: MEDICAL RECORD RELEASE OF INFORMATION**

**REVIEWED/  
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**POLICY:** In Virginia, a person is considered a minor until he/she reaches the age of 18. Generally, health care providers can release information contained in the medical records of a minor when authorized by the minor's biological or adoptive parent(s) who has legal custody for the minor, or a judicially appointed legal guardian. Virginia law is not clear whether the minor's consent alone is sufficient to authorize the release of the information contained in his/her own medical record except as described below.

**A minor shall be deemed an adult for the purpose of consenting to:**

- Medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the Board of Health requires to be reported;
- Medical or health services required in case of birth control, pregnancy or family planning (except sterilization);
- Medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse;
- Medical or health services needed in the case of outpatient care, treatment or rehabilitation for mental illness or emotional disturbance.

**A minor shall also be deemed an adult for the purpose of accessing or authorizing the disclosure of medical records related to the circumstances above.**

Parents have the right to access the minor's records except when the minor's treating physician or the minor's treating clinical psychologist has determined, in the exercise of his professional judgment, that the disclosure of health records to the parent or legal guardian would be reasonably likely to cause substantial harm to the minor or another. In that case, the process for *therapeutic privilege* must be followed.

***Divorced Parents***

Virginia law provides for the release of a minor's medical records to the custodial parent. Any parent, regardless of whether he or she has custody of the child, is entitled to access to the academic and medical records of his or her minor child unless otherwise ordered by a court.

**SPECIAL NOTE:** When there is suspected or known sexual abuse by either parent as reflected in the medical record but the release appears sufficient to release the records to the suspected parent, the attending physician and the EVMS Risk Management Office must be notified for their recommendations before the record is released to the suspected parent.