



## Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

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Executive Deputy Commissioner

December 19, 2017

Dear Health Care Provider:

This letter is to inform you of recent changes to Part 23 of New York Codes, Rules and Regulations (NYCRR) regarding the right of minors to consent for sexually transmitted disease (STD) and HIV prevention and treatment services. Section 23.1 of Title 10 NYCRR has been amended to include HIV in the existing list of STDs. Section 23.4 of Title 10 NYCRR now allows health care providers to "...render medical care related to other sexually transmitted diseases without consent or knowledge of the parent or guardian."

This regulatory change permits health care providers to prescribe antiretroviral medication for treatment and prevention of HIV infection to minors without parental/guardian consent. Approximately 20 percent of young people diagnosed with HIV infection are not in care. Of young people engaged in care, viral suppression rates fall below the state average. This regulatory change provides young people with the opportunity to consent to HIV treatment, which can remove barriers that prevent or delay access to care. In addition, young people will be able to consent to HIV-related preventive services, such as pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP). These preventive services ensure better health outcomes for young people and can reduce viral transmission to others.

Under this regulatory change, health care providers are also permitted to provide human papillomavirus (HPV) vaccination to sexually active minors without parental/guardian consent. HPV is the most common sexually transmitted virus in the United States, accounting for an estimated 79 million infections and 14 million new infections per year. Up to 70 percent of sexually active people will get genital HPV infection at some point in their lives.

While the New York State Department of Health encourages parents and guardians to talk with their adolescents about sexual health, including HPV vaccination, these discussions can be difficult, and may not happen in a timely fashion. In addition, some adolescents may not have a safe, healthy family environment in which these conversations can take place. Removing the requirement of parental consent allows New York's adolescents to receive high quality, recommended prevention.

Nine-valent HPV vaccination prevents 73 percent of cervical cancers, other anogenital and oropharyngeal cancers, and over 95 percent of non-cancerous anogenital warts caused by HPV infection<sup>1</sup>. While data are not yet available on nine-valent efficacy, quadrivalent vaccine-

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<sup>1</sup> <https://www.cdc.gov/mmwr/volumes/65/wr/mm6526a1.htm>

type HPV prevalence has decreased 64 percent among a nationally representative sample of teenagers age 14-19 in the vaccine era (2009-2012), compared with the pre-vaccine era<sup>2</sup>.

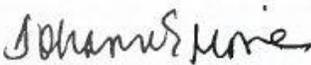
The Centers for Disease Control and Prevention (CDC) recommend that HPV vaccination be provided to females and males at age 11 or 12, with catch-up for females age 13 through 26 and for males age 13 through 21. Vaccination for males who identify as gay, bisexual or other men who have sex with men (MSM), as well as HIV-infected males and males with immune deficiencies, is recommended through age 26. Other males who do not meet these criteria may be vaccinated through age 26. The vaccination schedule varies by age. Young people who start the series before their 15<sup>th</sup> birthday require only 2 doses of the vaccine, with 6-12 months between doses<sup>3</sup>. Older patients still require the 3-dose series.

Public and private insurers regulated by New York State are required to cover the costs of all vaccines recommended by the Advisory Committee on Immunization Practices (ACIP). This requirement includes HPV vaccination<sup>4</sup>. The federal Vaccines for Children Program can help pay for the vaccine for patients under the age of 18 who are uninsured, underinsured, Medicaid eligible, or an American Indian or Alaska native. Merck, the vaccine manufacturer, offers patient assistance programs for those individuals age 19 – 26 years who cannot afford the vaccination.

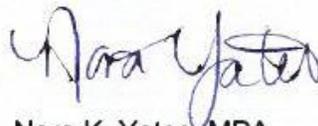
While efforts are made to protect the confidentiality of minors, please note that the NYS Immunization Information System (NYSIIS) allows parents and guardians access to their child's vaccine information, including HPV vaccination. There is no exemption or exception to reporting HPV vaccination to NYSIIS. Minors who independently consent to the HPV vaccine should be advised of NYSIIS and the availability of information from this system to a parent/guardian.

Visit <http://www.health.ny.gov> for additional guidance and resources on HPV. Questions related to HPV vaccination can be sent to [immunize@health.ny.gov](mailto:immunize@health.ny.gov). New York City providers can contact the NYC Department of Health and Mental Hygiene by calling 311.

Sincerely,



Johanne E. Morne, MS  
Director  
AIDS Institute



Nora K. Yates, MPA  
Director  
Center for Community Health

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<sup>2</sup> <http://pediatrics.aappublications.org/content/early/2016/02/19/peds.2015-1968>

<sup>3</sup> <https://www.cdc.gov/hpv/parents/questions-answers.html>

<sup>4</sup> <http://www.cdc.gov/vaccines/hcp/acip-recs/recs-by-date.html>