

Sharing Minor Health Information via the SHIN-NY

General Overview

1. Minor general health information is governed by parental/guardian consent in NY State.
2. Minors may consent under certain circumstances to treatment of **sensitive health care services that include:**

<ul style="list-style-type: none">• Reproductive health care including pregnancy tests and options counseling; abortion services; contraceptive care and counseling
<ul style="list-style-type: none">• Prenatal Care
<ul style="list-style-type: none">• Testing and Treatment for Sexually Transmitted Infections (STIs) including HIV testing
<ul style="list-style-type: none">• Drug and alcohol Misuse Care
<ul style="list-style-type: none">• Mental Health Care
<ul style="list-style-type: none">• Emergency Medical Care
<ul style="list-style-type: none">• Post Sexual Assault Care

3. The SHIN-NY Regulation requires the sharing of minor health information.
4. QEs currently share minor health information governed by parental consent.
5. The sensitive health services that minors may consent to without a parent or guardian's consent are also shared but with certain protections.

Here is how it works:

- Minor seeks one of the sensitive health services that they may consent to on their own i.e. no parental or guardian consent required.
- Provider of the sensitive information wants to view the minor's general health information in order to inform any treatment decisions at the point of care.
- Two possible scenarios then present in order for the provider to access the minor's record:

Minor’s parents have consented to general medical health information access via the primary care physician and/or pediatrician. Provider of sensitive health care service may access the record of the minor.

Minor’s parents have denied access to general medical health information of the minor. Provider now can not access the information. In this case the provider may obtain a one-time access permission from the minor to view his/her general health record. That one-time access is similar in nature to a break the glass access. That access will not change the consent value of the parent or guardian. The provide keeps a record of the consent. If the minor returns for another visit to the same provider and that provider wants to access the general health record again another consent from the minor is required.

Legal Framework

MINOR CONSENT INFORMATION	
Legal or Regulatory Requirement	How SHIN-NY Policies/ Regulations Implement Requirement
<p><u>Sharing with Parents/Guardians</u> In cases where a minor but not a parent/guardian consents to a service provided to the minor, such information cannot be shared with the parent. N.Y. Pub. Health Law § 17 (abortions and STD treatment); 42 C.F.R. § 2.14(a) (substance use disorder information).</p>	<p><u>Sharing with Parents/Guardians</u> The SHIN-NY Regulations and Policies prohibit QEs from disclosing minor consent information to the minor’s parent or guardian without the minor’s consent. 10 N.Y.C.R.R. § 300.5(b)(3)(ii); SHIN-NY Policies § 1.5.3.</p>
<p><u>Sharing with Providers</u> If a minor consents to a service from a Part 2 provider, then only the minor can consent to the Part 2 provider’s sharing of the minor’s information with other providers. 42 C.F.R. § 2.14(a).</p> <p>If a minor consents to HIV testing, then the minor’s HIV information can be disclosed under that release if the release is signed by the minor, or “if the [minor] lacks capacity to consent, a person authorized pursuant to law to consent to health care for the individual.” N.Y. Pub. Health Law § 2780(9).</p>	<p><u>Sharing with Providers</u> The SHIN-NY Policies state: “A Participant may access Minor Consent Information through the SHIN-NY based on an Affirmative Consent executed by the minor’s Personal Representative unless federal or state law or regulation requires the minor’s authorization for such disclosure, in which case a Participant may not access such information without the minor’s Affirmative Consent.” SHIN-NY Policies § 1.5.2. Thus, the SHIN-NY Policies prohibit the sharing of a minor’s Part 2 data with a Participant if only the minor’s parent, and not the minor, granted consent to that Participant.</p> <p>Similarly, the SHIN-NY regulation prohibits disclosure of a minor’s minor consent information without the minor’s authorization if federal law or regulation requires such authorization. 10 N.Y.C.R.R. § 300.5(b)(3)(i).</p>