

Frequently Asked Questions: Guidance on a Minor’s ability to consent to Medical, Dental, Health and Hospital-related Services

New York State Public Health Law and Regulations related to consent for medical, dental, health and hospital services have been amended over the years to keep pace with changes in clinical practice and the healthcare environment. Key updates were adopted in 2022-2023 to better serve New Yorkers who are homeless youth or youth receiving services from OCFS-certified or approved runaway and homeless youth (RHY) programs. This document incorporates all developments since 2023 and reflects current regulations.

How to use this document:

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Additional questions should be directed to
RHY@ocfs.ny.gov or minorconsent@health.ny.gov

Background and Legislative History

What does the expanded legislation allow for?

The new legislation expands the circumstances under which minors can consent to their own health care without parental consent. Specifically, the legislation allows homeless/runaway youth to consent to care where they were previously unable to.

Outside of the new legislation, in what other circumstances are minors able to consent to medical, dental, health and hospital services without the awareness or consent of a parent or legal guardian?

Prevention, Diagnosis, and Treatment of Sexually Transmitted Diseases, including HIV

For more detail, please refer to section 2305 of the Public Health Law and New York State Code of Rules and Regulations (NYCRR), Title 10, Part 23, Sexually Transmissible Diseases – 10 NYCRR 23.1.

Minors have long been able to consent to receiving prevention services, diagnoses, and treatment for sexually transmitted infections (STIs), including HIV, under Part 23. Their ability to consent to their own care is important as it reduces barriers that can result in their condition worsening. Stigma, shame, and misinformation—which are sometimes perpetuated by parents and legal guardians—can prevent or delay necessary treatment.

The Commissioner of Health has promulgated a list of STIs for which minors can consent to their own care. Under Part 23, medical and billing records may not be released or made available to the parent or guardian without the minor patient's permission.

Pregnant and Parenting Minors

Minors who are pregnant or parenting can consent to their own health care and to care for their child(ren) in accordance with section 2504 of the Public Health Law. Additionally, in Public Health Article 25-A - Reproductive Health Act, section 2599-AA states that every individual, regardless of age, has the fundamental right to choose or refuse contraception or sterilization.

The statute further provides that every individual, regardless of age, who becomes pregnant has the fundamental right to choose to carry the pregnancy to term, to give birth to a child, or to have an abortion.

Family Planning Services

Minors who are in need of family planning and reproductive health care can receive confidential services and consent to their own care at federally-funded Title X family planning clinics. For more detail please refer to: <https://opa-fpclinicdb.hhs.gov/>.

Other

Outpatient mental health services may be provided to a minor under Mental Hygiene Law section 33.21. Substance Use Disorder (SUD) treatment may be provided under Mental Hygiene Law section 22.11. Minors can consent to all components of sexual assault care, as well as rape crisis counseling and forensic evidence collection under Public Health Law section 2805-i(1)(c).

Homeless Youth and Youth Receiving Services from an OCFS-Approved Runaway and Homeless Youth (RHY) Program

Effective March 23, 2023, homeless youth and youth receiving services from an OCFS-approved RHY program are able to consent to their own care for medical, dental, health and hospital services, in addition to the adolescent medical services listed above.

When did changes to the law go into effect?

Minor Consent for Medical, Dental, Health and Hospital Services – Homeless Youth Chapter 780 of the Laws of 2022, as amended by Chapter 107 of the Laws of 2023 –effective date March 23, 2023. This legislation amends section 2504(1) of the Public Health Law to allow homeless youth, and persons receiving services from OCFS-approved runaway and homeless youth programs, both defined by section 532-a of the Executive law, to consent to their own medical, dental, health and hospital services.

Section 1: Runaway and Homeless Youth Related Definitions

1.1 What is the definition of a ‘Minor’ or ‘Youth’?

For purposes of this guidance, a minor or youth is any person under the age of eighteen. A person eighteen or older is an adult. A minor or youth may consent to any type of treatment if they are pregnant, parenting, or married. A minor or youth who is pregnant may consent to prenatal care.

1.2 What is the definition of ‘Homeless Youth’?

Homeless youth are persons under age 18 who are in need of services and are without a place of shelter where supervision and care are available.

1.3 What is the definition of ‘Runaway Youth’?

Runaway youth are persons under age 18 who are absent from their legal residence without the consent of their parent, legal guardian, or custodian.

1.4 What are approved runaway and homeless youth programs?

Approved runaway and homeless youth programs are crisis services programs or transitional independent living support programs approved or certified by the New York State Office of Children and Family Services (OCFS) pursuant to Article 19-H of the Executive Law. A list of approved and certified runaway and homeless youth programs, as well as the municipal runaway and homeless youth services coordinators, can be found on the OCFS website here:

<https://ocfs.ny.gov/programs/youth/rhy/directory.php>.

Section 2: Healthcare Provider Resources

2.0 What do I need to verify a youth's ability to consent to their own care?

A youth's verbal assertion that they are pregnant, parenting, married, experiencing homelessness, or are receiving services from an OCFS-approved RHY program is sufficient for youth to consent to their own care. Documentation to support their assertions is not required and could unduly limit a youth's right to access care.

2.1 How do I know if the RHY program where a youth says they are receiving services is "OCFS-approved"?

A list of approved programs is provided on OCFS' website here:

<https://ocfs.ny.gov/programs/youth/rhy/directory.php>

2.2 A youth seeking care told me they are homeless, and I am worried about them. What do I do?

Youth who are homeless are often in need of support, and housing stability is a known social determinant of health. There are many ways you can help the youth you are caring for. Providers are encouraged to discuss resources with which they are familiar with the youth and ask the youth if they would like to be connected to any of them. Consider:

- The HEARS line, operated by the New York State Office of Children and Family Services, can provide referrals to a wide variety of resources: 1-888-55HEARS (1-888-554-3277)
- Making a referral to a local runaway and homeless youth program, where available: <https://ocfs.ny.gov/programs/youth/rhy/directory.php>
- With consent from the youth, contact the Local Department of Social Services to notify them of a potentially destitute child: <https://ocfs.ny.gov/directories/localdss.php>
- Contact the youth's McKinney-Vento Liaison, who is responsible for helping unstably housed children in their school district: <https://www.nysteachs.org/liasons>
- Connecting the youth with your facility's social worker if there is one on staff
- Provide the youth with any of the resources provided in Section 3 of this document.

If you suspect the youth is experiencing abuse, neglect, or maltreatment, a call to the Statewide Central Register of Abuse and Neglect (SCR) at 1-800-342-3720 must be made. However, the experience of homelessness alone is not a reason to call.

If you suspect the youth is a victim of human trafficking, email your local safe harbor point of contact at humantrafficking@ocfs.ny.gov.

2.3 If a youth is seeking care and doesn't want their parent or guardian to know, can they still use their parent's health insurance?

In circumstances where a youth has used their parent's health insurance to receive healthcare services, including services that they wish to keep confidential, there is the potential for an explanation of benefits to be sent to the parents/caregivers. Some programs, such as Title X clinics, have mechanisms in place to address this issue. Minors can be enrolled in the New York State Family Planning Benefit Program for reproductive health care. This would allow for the individual seeking services to receive confidential care if they cannot utilize their parent or guardian's insurance. Please find more information on New York State's Family Planning Benefit Program here:

https://www.health.ny.gov/health_care/medicaid/program/longterm/familyplanbenprog.htm

According to Insurance Law 2612 and 11 NYCRR Part 244, an individual who is experiencing actual or threatened violence is safeguarded against the delivery of their health-related information to any identified individual that may cause harm.

2.4 Are there free, confidential health services that can support youth?

Yes!

Vaccines For Children (VFC) Program: [Eligible minors](#) can receive the HPV vaccine through their primary medical provider or any other VFC-enrolled provider through the VFC Program without parental consent.

Privately-Insured minors: VFC-enrolled providers at family planning and STI clinics may provide VFC HPV vaccines to privately insured minors who are seeking the vaccine without parental consent. Other VFC-enrolled providers in New York State may provide publicly purchased HPV vaccines to privately insured minors who are seeking the vaccine without parental consent if they cannot access their insurance for this purpose. The VFC Program uses State funds to provide HPV vaccines for this underinsured population.

Family planning clinics receiving federal Title X funding are required to provide confidential comprehensive family planning services to adolescents. These clinics provide free or low-cost services, such as contraception, pregnancy testing, pregnancy options counseling, HIV and STI testing and treatment, and other preventive health services, on a sliding fee scale. Minors are not required to use their parents' health insurance or get parental consent to receive care. NYSDOH Title X-funded clinics sites are listed at

https://www.health.ny.gov/community/pregnancy/family_planning/.

Low-cost health care may be available locally through a Federally Qualified Health Center (FQHC). To find an FQHC near you visit: <https://findahealthcenter.hrsa.gov/>

A wealth of information about health services available to youth in New York City can be found here: <https://www.nycyouthhealth.org/html/index.shtml>

School-based health centers are available in some communities. They bring comprehensive primary care services to the place where children and youth are during the day and address critical health problems that make it difficult for students to learn.

https://www.health.ny.gov/facilities/school_based_health_centers/docs/sponsor_directory.pdf

Additionally, minors may utilize the New York State Family Planning Benefit Program for reproductive health care. This would allow for the individual seeking services to receive confidential care if they cannot utilize their parent or guardian's insurance.

Please find more information on New York State's Family Planning Benefit Program here: https://www.health.ny.gov/health_care/medicaid/program/longterm/familyplanbenprog.htm

2.5 Does Section 2504(1) place any limits on the types of medically necessary care a homeless youth or youth receiving services from an OCFS-approved RHY program can consent to?

No.

2.6 How is the determination made if services are “medical care”?

After diagnosing the patient, the health care provider determines the treatment (procedures, medical orders, prescriptions, etc.) that are warranted by the condition of the patient. The health care provider determines what services are medically necessary for the treatment of the patient's medical condition, and then provides the services with the informed consent of the patient.

2.7 Can runaway and homeless youth consent to medically necessary treatment for gender dysphoria?

Yes.

2.8 Training resources for clinicians related to adolescent-informed care

Starter guide: <https://umhs-adolescenthealth.org/improving-care/starter-guides/>

Youth-Friendly Services:

<https://umhs-adolescenthealth.org/wp-content/uploads/2020/08/youth-friendly-services-starter-guide-2.pdf>

Trauma-Informed Care for Adolescents in Primary Care:

<https://umhs-adolescenthealth.org/wp-content/uploads/2023/04/trauma-informed-care-starter-guide-official-spring-2023-update-1.pdf>

Section 3: Additional Resources

3.1 Do you know someone that may need someone to talk to?

The National Runaway Safeline is available online, by text (66008), or by calling 1-800 RUNAWAY. They're trained to listen and answers questions without judgement 24/7.

3.2 Additional Resources

Below is a list of hotlines that are available to provide free, nonjudgmental, and confidential support to young people 24/7/365 (unless noted).

Adolescent Health Care Campaign Toolkit

Website: [Adolescent Health Care Campaign Toolkit \(aap.org\)](http://www.aap.org)

Purpose: This toolkit should be used to increase awareness of the importance of confidential care for teens and foster an adolescent-supportive practice environment.

Al-Anon/Alateen Family Group

Website: www.al-anon.org/newcomers/

Purpose: Meetings for teens who struggle with substance use themselves or love someone who uses.

Ali Forney Center (NYC) Website: <https://www.aliforneycenter.org/>

Purpose: Provide supports for LGBTQ homeless youth

Borough-Based Drop-in Centers (NYC)

Website: <https://www.nyc.gov/site/dycd/services/runaway-homeless-youth/borough-based-drop-in-centers.page>

Purpose: Young people between the ages of 14 to 24 are welcome! Food, clothing, showers, laundry, and case management services are available. Receive referrals to crisis services programs and additional support services

Coalition for Homeless Youth

Website: <https://nychy.org/>

Purpose: Help young people find housing supports

Find Verified Abortion Care & Support

Website: www.abortionfinder.org

Purpose: To find verified abortion care and support.

National Human Trafficking Hotline

Call: 888-373-7888

Text: HELP or INFO to BEFREE (233733)

Website: www.humantraffickinghotline.org/en/contact

Purpose: Crisis response and information about services for survivors of sex and labor trafficking.

National Suicide Prevention Lifeline

Call and text: 988

Website: www.suicidepreventionlifeline.org/help-yourself/youth/

Purpose: For anyone thinking about suicide, or worried about someone who might be thinking about suicide.

National Teen Dating Abuse Helpline

Call: 866-331-9474 (TTY: 800.787.3224)

Text: LOVEIS to 22522

Website: www.loveisrespect.org

Purpose: Speak with advocates trained in domestic violence. A live chat with domestic violence advocates is provided on the website.

New York State Office for the Prevention of Domestic Violence

Call: 800-942-6906

Text: 844-997-2121

Website: <https://opdv.ny.gov/survivors-victims>

Purpose: Resources for individuals who may be experiencing domestic violence.

New York State Syringe Exchange Programs

Website:

https://health.ny.gov/diseases/aids/consumers/prevention/needles_syringes/index.htm

Program Dir: [NYS Authorized Syringe Exchange Sites and Locations](#) (updated Feb. 2023)

Purpose: A place for people who use drugs to safely exchange used needles for unused needles.

Rape, Abuse and Incest National Network (RAINN)

Call: 800-656-HOPE (800-656-4673)

Website: www.rainn.org/about-national-sexual-assault-telephone-hotline

Purpose: A listening ear from local sexual assault service providers.

Rape Crisis Programs in New York State

Website: https://www.health.ny.gov/prevention/sexual_violence/rscvpp_providers.htm

Purpose: A list of NYS rape crisis programs broken down by county. Included in the list are provider names, addresses, phone numbers and hotlines.

Sexual Health Counseling & Referral Hotline, Planned Parenthood (PPLM)

Call: 617-616-1616 (9 a.m. – 5 p.m. EST Monday, Wednesday and Friday)

Websites: <https://www.plannedparenthoodaction.org/empire-state-acts>

<https://www.plannedparenthood.org/online-tools/chat>

Upper Hudson Planned Parenthood:

<https://www.plannedparenthood.org/planned-parenthood-upper-hudson>

Planned Parenthood of Central and Western New York:

<https://www.plannedparenthood.org/planned-parenthood-central-western-new-york>

Planned Parenthood of Greater New York:

<https://www.plannedparenthood.org/planned-parenthood-greater-new-york>

Planned Parenthood of the North Country New York:

<https://www.plannedparenthood.org/planned-parenthood-north-country-new-york>

Additional Website: www.plannedparenthood.org/planned-parenthood-massachusetts/online-health-center/sexual-health-hotline

Purpose: Speak with health center staff and volunteers about sexual health issues.

Teen Line

Call: 800-852-8336 (9 p.m. – 1 a.m. EST every night)

Text: TEEN to 839863 (9 p.m. – 12 p.m. EST every night)

Message Board: teenlineonline.org/board/

Website: www.teenlineonline.org

Purpose: Teens helping teens talk through the tough stuff.

The Trevor Project

Call: 866-4-U-TREVOR (866-488-7386)

Text: START to 678678

Website: www.thetrevorproject.org

Online Chat: TrevorChat (force.com)

Purpose: Crisis support and suicide prevention for LGBTQ+ youth.

Your Life Your Voice

Call: 800-448-3000

Text: VOICE to 20121 (8 a.m. – 2 a.m. EST every day)

Website: www.yourlifeyourvoice.org

Purpose: Someone to listen, no matter what the challenge (bullying, suicidal thoughts, a breakup, or anything else.)