

Minors & Youth Access to Sensitive Health Services Act - Background Summary

Medical experts recognize that independent access to confidential care is key for young people's health.

The American Medical Association recognizes that requiring parental involvement when youth seek sensitive health services [can be counterproductive](#). The Society of Adolescent Medicine [recommends](#) adolescents be allowed to give consent for all or some types of health care and to have their confidentiality protected in the provision of that care, and the American Academy of Family Physicians agrees it is [essential](#) that adolescents have access to confidential health care.

Both state and federal law often fail to guarantee young people under the age of majority access to many types of health care without parental consent.

Recognizing the harm of parental consent, many states have begun to allow older minors to independently consent to [certain types of sensitive health care](#). Yet, states have also enacted laws *requiring* minors to obtain consent from parents before seeking other types of care, [especially abortion care](#). The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), provides no additional protection, [deferring](#) to state law outside of the [Title X Family Planning Program and Medicaid](#).

Federal law may fail to protect the privacy of all young people on others' health insurance.

The Patient Protection and Affordable Care Act (ACA) raised the age young adults may remain dependent's on their parent's health insurance plans to 26. However, this expansion has also [expanded](#) the population of young people for whom confidential access to healthcare services may be compromised. Under the ACA, explanations of benefits (EOBs) - which may compromise confidentiality and be used to track someone's address and preferred health care provider/location - for healthcare services provided to any person on a health insurance policy are sent to the policy holder.

When young people are not guaranteed confidential, independent access to health care services, they may delay or forgo seeking necessary services.

This is particularly true for sensitive health care services that carry societal stigmas, such as abortion and other sexual and reproductive health care services, mental health and substance abuse services, and transgender-related health care services. [Delaying or forgoing](#) care due to a lack of confidentiality can lead to higher rates of unprotected sex, unintended pregnancy, untreated STIs, and mental health issues.

The burden of restrictions on independent access to confidential care falls on groups of young people who already face disproportionate barriers to care.

In the [38 states](#) that require minors to have parental consent before obtaining abortion care, youth in the foster care system or whose parents are unavailable may be forced to leave the state to access care they need, or denied access entirely. Similarly, homeless minors [may be denied care](#) due to a lack of parental consent in many states. Finally, minor consent laws allow parents and the state to [deny LGBTQ](#) youth treatment they need, and to subject them to harmful treatment against their will.