

Senate Bill 1329: Minor Consent in Idaho

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So, what's the plan?

- Background of Senate Bill 1329
- Parental Consent to Minors' Healthcare Services
- Parental Access to Minors' Healthcare Information
- Questions

Senate Bill 1329: Background

The Basics of Senate Bill 1329

- Parental Rights in Medical Decision-Making
- Adds a new section of law to Chapter 10 of Title 32
- Governs (A) parental consent to a minor child's healthcare services and (B) parents' access to their minor child's healthcare information
- Effective on July 1, 2024

Idaho Code § 32-1015/Senate Bill 1329

Idaho Code § 32-1015 (2024)

- **Healthcare Service** = “a service for the diagnosis, screening, examination, prevention, treatment, cure, care, or relief of any physical or mental health condition, illness, injury, defect, or disease.”
- **Healthcare Information** = “information or data, collected or recorded in any form or medium, and personal facts of information about events or relationships that relates to: (i) The past, present, or future physical, mental, or behavioral health or condition of an individual or member of the individual's family; (ii) The provision of health care services to an individual; or (iii) Payment for the provision of health care services to an individual.”
- **Minor Child** = “an individual under eighteen (18) years of age but does not include an individual who is an emancipated minor.”
- **Parent** = “a biological parent of a child, an adoptive parent of a child, or an individual who has been granted exclusive right and authority over the welfare of a child under state law.”

**Senate Bill 1329:
Parental Consent to Minors'
Healthcare Services**

When do parents have to consent to their minor child's healthcare services?

General Rule

A parent must consent to all healthcare services for a minor child prior to services being rendered.

Exceptions

- Court Order
- Blanket Consent from Parent
- Emergency Situation
- Emancipated Minor

How does Senate Bill 1329 interact with other laws governing minor consent?

I.C. § 39-3801

Notwithstanding any other provision of law, a minor fourteen (14) years of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law, or regulation adopted pursuant to law, to be reported to the local health officer.

I.C. § 18-603

A licensed physician or licensed or registered health care provider acting at his direction or medical order may lawfully provide examinations, prescriptions, devices and informational materials regarding prevention of conception to any person requesting the same who, in the good faith judgment of the physician or such provider, is sufficiently intelligent and mature to understand the nature and significance thereof.

I.C. § 39-3701

(1) Any person who is seventeen (17) years of age or older shall be eligible to donate blood in a voluntary and noncompensatory blood program without the necessity of obtaining parental permission or authorization.

I.C. § 37-3102

A physician may undertake the treatment and rehabilitation of such person or refer such person to another physician or hospital for such purpose. If the person seeking such treatment or rehabilitation is sixteen (16) years of age or older, the fact that such person sought treatment or rehabilitation for such drug addiction or dependency, or that he is receiving such treatment. . .

I.C. § 39-4504

If the person presents a medical emergency or there is a substantial likelihood of his or her life or health being seriously endangered by withholding or delay in the rendering of health care services to such person and the person has not communicated his or her wishes, the attending health care provider may, in his or her discretion, authorize or provide such health care services, as he or she deems appropriate, and all persons, agencies, and institutions thereafter furnishing the same, including such health care provider, may proceed as if informed valid consent therefor had been otherwise duly given.

Senate Bill 1329:
Parental Access to Minors'
Healthcare Information

When do parents have a right to their children's healthcare information?

General Rule

Healthcare providers must disclose healthcare information to a minor's parent when (1) such information is in the healthcare provider's control and (2) requested by the minor child's parent.

Exceptions

- Court order
- Parent = subject of an investigation related to a crime committed against the child

Other Laws

- HIPAA
- Part 2
- Idaho Code § 16-2428

Senate Bill 1329: Questions

**May providers
work with
surrogate
decision
makers for
minor's
healthcare?**

Maybe.

**Is it okay to use
one blanket
consent form for
all minor's
healthcare
services?**

**Yes, but there are
risks.**

**Do providers have
to disclose medical
records for
healthcare services
provided before July
1, 2024?**

Unclear.

**May a parent
sue providers
under this
statute?**

Yes.

**Will the state
revoke a
provider's
license if the
provider
violates this
law?**

No, unless it's
considered
unprofessional
conduct.

**What is the most
conservative
approach under
this bill?**

Obtain parental
consent.

Release medical
records to parents
requesting such
records.

Questions?

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