

# **EXHIBIT 10**

 <b>Sheppard Pratt</b> HEALTH SYSTEM		Policy Number: CM-310.5
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Manual: Health System Clinical Manual		Effective: 1/2/2012
Section: 300 - Patient Rights and Legal Issues	Sub-section: 310 - Patient Rights	Prepared by: Barbara Charen
Title: Legal Capacity of Minors to Consent to Treatment		

**PURPOSE:**

To indicate the circumstances under which minors may legally consent to treatment.

**POLICY:**

It is the policy of the Sheppard Pratt Health System to act in accordance with Maryland State law regarding the legal capacity of minors to consent to treatment.

**DEFINITION:**

*Minor:* An individual who has not yet reached the age of 18.

**GUIDELINES:**

- I. A minor has the same capacity as an adult to consent to treatment if:
  - A. The minor is married, or
  - B. The minor is the parent of a child
  
- II. A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of a physician, a delay in treatment to obtain consent from another person would adversely affect the life or health of the minor.
  
- III. A minor has the same capacity as an adult to consent to treatment for or advice about:
  - A. Drug abuse
  - B. Alcoholism
  - C. Sexually transmitted diseases
  - D. Pregnancy
  - E. Contraception other than sterilization
  - F. Physical examination and treatment of injuries from an alleged rape or sexual offense, and physical examination to obtain evidence of an alleged rape or sexual offense.
  
- IV. The capacity of a minor to consent to treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse treatment program does not include the capacity to refuse treatment for which a parent or guardian has given consent.
  
- V. The decision to disclose information to a parent or guardian of a minor or the spouse of the parent of a minor, relating to treatment of a minor under the above circumstances, rests within the discretion of the physician.

- VI. The Health System provides information regarding the inpatient treatment of a minor to parent/legal guardians. The Medical Director of the Child and Adolescent Services must approve exceptions. For minors treated in other services/programs, exceptions should be approved by the appropriate Medical Director.
- VII. Note that procedures for obtaining consent for performing an abortion for a minor are different under Maryland law. These procedures are the responsibility of the physician who may perform the abortion.

**References:**

CM-310.4 Informed Consent

CM-320.6 Report of Consensual Sexual Behavior, Rape, or Sexual Assault

**Attachments:****Revision Dates:****Reviewed Dates:**

11/79, 9/87, 1/90, 5/91, 5/96, 9/99, 9/02, 1/05, 12/08, 1/12

**Signatures:**

Ernestine Cosby: 1/02/12

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