

Minors and Patients with Guardians Policy

I. Purpose

- A. To ensure timely assessment and treatment of minor children and patients requiring guardianship while remaining compliant with all applicable rules and regulations.

II. Policy

- A. ***Pediatric Department Patients:*** The School of Dentistry Pediatric Department will accept patients under 16 years of age. Patients 16 years of age and older will be seen in the Comprehensive Clinic. (Note that the grad peds clinic on the West Bank Campus has discretion to accept special needs patients up to 19 years of age based on their review of dentition.)
- B. ***Informed Consent:*** Except in emergency circumstances or court-ordered treatment, decisions regarding treatment will be made after an informed and shared decision-making discussion has occurred between the patient or parent/legal guardian(s) and the provider.
- C. ***Unaccompanied Patients:*** If an unaccompanied minor or patient with a legal guardian presents to the School of Dentistry to receive treatment, there must be either a treatment plan to which a legal guardian has consented or a legal guardian available to provide informed consent. Treatment may be provided without consent of a parent or guardian if faculty deem that delaying treatment will be detrimental to the patient's dental or systemic health and efforts have been made to contact the parent or guardian to receive consent. Efforts to contact the parent or guardian must be documented in the patient's chart. ([See 2020 Minnesota Statutes Good Samaritan Law](#))
- D. ***Oral and Maxillofacial Department Patients:*** It is required that minor patients or patients with guardians receiving care in the Oral and Maxillofacial Clinics be accompanied by the parent or legal guardian at all appointments within the department, both consult and procedure appointments. If applicable the correct paperwork of guardianship, emancipation or ward of the state must be presented at the initial appointment and entered into the patient's EHR. Unlike part C above, unaccompanied minors and patients with guardians ***will not*** be seen in the OMS clinic.
- E. ***Emancipated Minors:*** Any minor who is living separate and apart from a legal guardian and is managing their personal financial affairs may provide informed consent. Additionally, any minor who has married or borne a child may give

effective consent to treatment for themselves or for the minor's child. The consent of no other person is required.

- F. ***Patients who Require Assistance:*** Any patient who cannot attend to their bodily needs, such as transferring from a wheelchair to the dental chair, transfer to and from a toilet, or incontinence, must be accompanied by a care assistant or family member during all dental appointments even if the patient is their own legal guardian. Patients who cannot have a care provider attend their dental appointments cannot make appointments in the School of Dentistry clinics.
- G. ***Access to Health Records:*** Parents and legal guardians have access to their minor children's and adult with guardian's health records.

III. Definitions

- A. ***Unaccompanied Minor:*** Patients under the age of 18 who present to the School of Dentistry without a parent or legal guardian
- B. ***Minor Patient:*** Any patient under the age of 18
- C. ***Legal Guardian:*** An individual with the legal authority to make treatment decisions and provide consent on the behalf of a minor child or adult

IV. Procedure

A. *Pre-Treatment*

- i. The legal guardians of new patients will receive a new patient packet which contains the "Child Health History/Medical Questionnaire" form and the "Registration Form." Legal guardians will be advised that a legal guardian with a photo ID must be present at the appointment and payment is due on the date of service unless the insurance provider fully covers the visit.
- ii. If it is known that patients will be attending appointments without a legal guardian, the registration, HIPAA, and treatment consent forms may be submitted electronically and scanned into the chart. ***Unaccompanied patients will not be seen in the OMS clinic.***
- iii. Photo IDs may be submitted electronically and scanned into the chart before the treatment is provided.
- iv. A valid photo ID must be scanned into the chart or presented at each appointment in order for insurance to be billed. Patients and their guardians will be informed that they will have to cash pay if they present for treatment without an ID. They may be refused treatment if they are unable to pay.
- v. Chart alerts will be added to the EHRs of patients who require care assistants to accompany them to their dental appointments.

B. *Treating Patients with Guardians*

- i. A legal guardian must attend the treatment planning appointment with the patient and consent to the treatment plan during the appointment. Except in the Oral and Maxillofacial Department the patient may then attend subsequent treatment appointments unaccompanied in order to continue treatment to which the legal guardian previously consented. If there is a change to the treatment plan at an appointment where the minor is unaccompanied, the provider must contact the legal guardian to obtain consent to the changes to the treatment plan. ***Unaccompanied patients will not be seen in the OMS clinic.***
- ii. Unaccompanied patients may be assessed and provided with options for treatment (except in the OMS clinic), but treatment may not be provided to an unaccompanied patient unless faculty evaluation determines that delaying treatment will be imminently detrimental to the patient's dental or systemic health and efforts have been made to contact the legal guardian for consent. Efforts to contact the legal guardian will must be documented in the chart.

C. *Treating Persons Under State Guardianship*

- i. If a person has become a ward of the state, the court transfers guardianship and legal custody to the Commissioner of Human Services. The Commissioner or agency social worker has authority to consent for dental treatment of the patient.

D. *Treating Emancipated Minors*

- i. Any minor who has been married or has given birth may consent to treatment for themselves or for the services of the minor's child
- ii. A minor living apart from his or her parents or legal guardian and who is managing his or her own financial affairs may consent for his or her own medical and/or dental services. This exception applies regardless of whether the minor's parents have consented to the minor living apart, or regardless of the extent or source of the minor's income.
- iii. If a minor represents to a provider that he or she is emancipated but is in fact not able to give effective consent for treatment, his/her consent is effective if relied upon in good faith by the person rendering the health service.

E. *Treating Patients in the Care of an Institution*

- i. To treat patients in the custody and care of an institution, the institution must have a court order, a valid healthcare power of attorney designating a representative from the institution to provide consent, or a valid delegation of powers by the parent designating a representative to act as a temporary parental authority. A legal guardian must be contacted and provide informed consent if the institution does not have a valid court order, healthcare power of attorney, or delegation of powers.

Policy Owner:	Associate Dean of Clinical Affairs
---------------	------------------------------------

External References:	§ Minn. Stat. §144.341-347 § Minn. Stat. §182.6552
Related Policies:	
Approved by:	Clinical Affairs Committee
Approval Date:	July 13, 2015
Effective Date:	July 14, 2015
Revision Date:	November 17, 2021