

**Area:** Pregnant Women

**Subject:** PW03 - Pregnant Women/Minors Program Confidentiality Guidelines

**Reference:** 1304.40(c)

**Policy:** 1304.40 (c) – Adapted--Pregnant Women – 7/21/2009 #ACF-IM-HS-09-04: Confidentiality guidelines will consider both the privacy of the family and what professional agencies working with the family need to know in order to provide the best possible care. HIPAA regulations both protect and support helpful communication regarding EHS programs and expectant families. All Head Start programs shall ensure the confidentiality of any personally identifiable, medical and/or recorded data collected as part of the Pregnant Women Program.

**Minors:** “California law vests minors with certain medical and pregnancy-related privacy rights. Under California law, a minor is generally permitted to obtain “medical care” relating to the prevention or treatment of pregnancy without parental consent. ‘Medical care’ is defined as e.g. X-ray examination, anesthetic, medical or surgical diagnosis or treatment and hospital care under the general or special supervision and upon the advice of or to be rendered by a physician and surgeon licensed under the Medical Practice Act. (Cal. Family code §6902.) California case law establishes that it is an unlawful infringement of a minor’s privacy interests to require a minor to obtain parental consent in order to seek confidential medical care, such as prenatal services. (*American Academy of Pediatrics v. Lungren* (1997) 16 Cal.4<sup>th</sup> 307,316-318.) It is likewise illegal for a school district to notify a parent that a student received such services after the fact without authorization from the student. (87 Ops.Cal.Atty.Gen 168 (2004.) Additionally, the records of such medical care are kept confidential from the minor’s parent or guardian, unless the minor consents to disclosure. (Health & Saf. Code, §§ 123110(a), 123115(a)(1);Civ. Code, §§ 56.10,56.11(c).)

It is arguable that certain prenatal services offered by the EHS program may not qualify as “medical care” which would trigger a minor’s right to privacy under California law; however, there is a clear interest in not disclosing a minor’s receipt of such services, if a minor chooses to keep her pregnancy confidential. On the other hand, it is arguable that some of the services offered by the EHS program would not qualify as “procedures” for which a parent or guardian authorization would be required under federal regulations.”

**Procedure:**

1. Written consent will be secured from the pregnant woman/minor before a pregnant woman/minor’s medical, program, school or other personal information is exchanged with community partners.

2. Adult and teen parents will clearly define in a signed statement, family members and significant others with whom her program, school and/or medical information may be shared.
3. As appropriate, program staff will follow individual Memorandum of Understanding guidelines when the exchange of family information has been authorized by the pregnant woman/minor.
4. Program staff will ensure personal and medical information received from community partners has been authorized by the enrolled pregnant woman/minor.

**Supervised by:** Home Based Supervisor

**Performed by:** Health Staff, Home Based Educators, Community Partners

**Forms needed:** Pregnant Women Consent for Release of Information – CF/PW-4  
Pregnant Woman Emergency Form CF/PW-1  
Pregnant Minor Emergency Form CF/PW-2

**Frequency:** As appropriate to ensure timely communication and services