

of parents or legal guardians, persons in charge of the child may be given permission by the parents to give informed consent by proxy. A medical screening exam is required by federal law under the Emergency Medical Treatment and Active Labor Act (EMTALA) for all patients presenting to an emergency center. In emergencies, including danger to life or the possibility of permanent injury, appropriate care should not be withheld or delayed because of problems obtaining consent ([American Academy of Pediatrics, Committee on Pediatric Emergency Medicine and Committee on Bioethics, 2011](#)). The nurse should document any efforts made to obtain consent.

Parental refusal to give consent for life-saving treatment or to prevent serious harm can occur and requires notification to child protective services to render emergency treatment. Evaluation for child abuse or neglect can occur without parental consent and without notification to the state before evaluation in most states.

Adolescents, Consent, and Confidentiality

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) was passed to help protect and safeguard the security and confidentiality of health information. Because adolescents are not yet adults, parents have the right to make most decisions on their behalf and receive information. Adolescents, however, are more likely to seek care in a setting in which they believe their privacy will be maintained. All 50 states have enacted legislation that entitles adolescents to consent to treatment without the parents' knowledge to one or more "medically emancipated" conditions, such as sexually transmitted infections, mental health services, alcohol and drug dependency, pregnancy, and contraceptive advice ([American Academy of Pediatrics, Committee on Pediatric Emergency Medicine and Committee on Bioethics, 2011](#); [Anderson, Schaechter, and Brosco, 2005](#); [Tillett, 2005](#)). Consent to abortion is controversial, and statutes vary widely by state. State law preempts HIPAA regardless of whether that law prohibits, mandates, or allows discretion about a disclosure.

Informed Consent and Parental Right to the Child's Medical Chart

Some state statutes give parents the unrestricted right to a copy of