Legal Eye

Tackling teen treatment and privacy

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I am 17 and just tested positive. I'd see a doctor, but I'm covered under my parents' insurance, and they would kill me if they knew I had HIV. Can I get treatment without them knowing?
—Teen Angst

Dear Angst,
It depends on where you live. The goal is to get the best possible HIV care—with or without your folks' knowledge—and a good doc who will help you to keep things quiet if you are not ready to disclose. Most states let adolescents get health care related to sex (say for pregnancy or STDs) without parental consent or notice. But state rules and doctor interpretations of whether this includes HIV treatment often differ. Adolescent- HIV specialists may allow minors to consent to HIV-related care without parental notice, but other doctors may want parents involved.

The Health Insurance Portability and Accountability Act (HIPAA), which increases individuals' control over their medical records, can help. If your state lets minors consent to HIV-related care, then under HIPAA your doctor and insurer can restrict parental access to your records if you ask. Billing procedures, claim forms requiring adult signatures and explanation of benefits (EOB) notices are more challenging. HIPAA lets you request that the health plan communicate only with you if disclosing to your parents will endanger you.

Unfortunately, the law doesn't define "endanger," and docs and insurers have some leeway interpreting it. The bottom line: Find an adolescent- HIV doc you can trust. Check out a national list of adolescent-friendly clinics at www.poz.com/ resources or contact your local AIDS service organization for suggestions. Call the clinic before visiting to make sure it will let you control your treatment decisions and records.

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Founded the Center for HIV Law and Policy. Her column offers general guidance and shouldn't substitute for lawyer's counsel.

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