

Medical rights of parents and minors can be confusing, but this is not an area you want to use logic or play guessing games. Long time patients, multi-generation family clients and friends of clients can show a very different side when their personal rights have been violated. In working with children, dentists and their staff must understand the laws.

I often have teens drive themselves to appointments. Can a teenager consent to treatment, when they've appeared alone?

Answer: A minor child does not have authority to consent to any dental treatment. This includes routine treatments such as cleanings and x-rays, notwithstanding more significant procedures.

When a parent sends their child to the dental cleaning appointment isn't this "implied consent"?

Answer: That could be argued, but if additional treatment is needed such as an x-ray, assuming consent for the additional treatment could result in a conflict later with the parent who either did not approve of the treatment or the cost.

When a minor presents alone for an appointment, at what point should a parent be contacted?

Answer: A parent or guardian should be contacted prior to any additional service, other than what was booked, being performed. Verbal approval may be sufficient depending on the need. More invasive procedures require the dentist to follow the informed consent process, which includes a discussion with the dentist including all options, risks, success rates and care. This in depth discussion cannot be had with a minor and must involve the parent. Additionally, such procedures should have written consent signed from the parent/guardian before proceeding.

What if the parent cannot be reached during the appointment time?

Answer: If a parent or guardian cannot be reached, deferring treatment until approval can be given is the best option. The only acceptable reason for proceeding with treatment, without parent consent, is in the case of traumatic injury or emergency conditions.

Who has the right to provide consent?

Answer: The natural mother, natural father, an emancipated minor, an adoptive mother/father, or a parent who is appointed conservator. If none of these can be reached, it is possible, when consent has been previously provided in writing, that a grandparent, adult brother/sister, or education institution, who has care of the child, may approve treatment.

Site Sources: Texas Family Code, Texas Health & Safety Code, article by W. Patrick Sullivan Esq.

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Can a caregiver or step-parent give consent?

Answer: Caution should be taken if treatment is requested by a caregiver, minor sibling or step-parent. Without written consent for any of these persons, treatment would be a violation of parental rights.

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