

Washington State Privacy Laws and Legal Age/Age of Consent

Washington State: HIPAA and You.

HIPAA (Health Insurance Portability and Accountability Act) is a law that helps protect your privacy as it relates to your healthcare information which may include (but is not limited to): verbal instructions/orders; prescriptions; health history; lab tests and diagnostics; insurance claims/benefits; medical billing; mental health, behavioral health, social services; emergency services (EMT & ambulances); and pretty much anything else you can think of.

HIPAA protects individually identifiable health information including how that information flows if you need services from multiple providers/multiple healthcare facilities.

HIPAA protects you by limiting who has access to your health information—your loved ones, family, friends, and your emergency contacts may need your explicit written consent before they can know about your medical information and health status (e.g. in case of an accident or other urgent situation).

Exempt entities (include but not limited to): non-health insurance plans; public health; law enforcement; banking/payment; health care operations and oversight.

For more information:

- HIPAA website at U.S. Department of Health & Human Services (HHS):
<https://www.hhs.gov/about/index.html>
- HIPAA for individuals:
<https://www.hhs.gov/hipaa/for-individuals/index.html>
- HIPAA for professionals:
<https://www.hhs.gov/hipaa/for-professionals/index.html>
- Washington Law Help (easy reading):
<https://www.washingtonlawhelp.org/resource/your-right-to-keep-your-medical-records-privacy?ref=4MKf3>

References

- <https://www.hhs.gov/about/index.html>
- <https://www.hhs.gov/hipaa/for-individuals/index.html>
- <https://www.hhs.gov/hipaa/for-professionals/index.html>
- <https://www.washingtonlawhelp.org/resource/your-right-to-keep-your-medical-records-privacy?ref=4MKf3>
- <http://www.ehcca.com/presentations/HIPAA3/108.pdf>

Washington State: Legal Age and Age of Consent.

Regardless of any age, one can consent to or refuse: birth control services; abortion and its related services; prenatal care.

Minor. Anyone **under the age of 18 years** is considered a minor in Washington State. A minor may receive emergency medical services if and only if a parent/guardian is not immediately available.

Age 13+ can consent to: inpatient mental health treatment; outpatient mental health treatment outpatient substance abuse treatment. Parent/guardian notification is required.

Age 14+ can consent to STD tests and treatments.

Technically, age 16+ (age is just one of many factors considered) may consent to have sex (and the other individual involved will not be prosecuted). There are other factors to consider such as mental/emotional capacity and the situation involved. Consult a lawyer or law enforcement for details.

HIPAA privacy rule does allow parents/guardians access to their minor's health records.

Three exceptions are: when the minor consents to care and the state law (or other relevant law) does not require parental/guardian consent; the court (or other court-appointed entities) direct the minor to obtain care; the parent/guardian consents to the confidentiality between the minor and provider.

A provider may exercise his/her judgement in releasing information about the minor (e.g. domestic violence or abuse cases). A provider may exercise judgement in declining to recognize an individual as the minor's parent/guardian/legal representative if the minor's safety is in doubt or at risk.

Washington State Age of Majority is 18. This is the legal age of adulthood.

Washington State Age of Trust Termination is 21. This is the age where a person may gain control over a custodial bank account, brokerage account, or a 529 college savings plan. The Uniform Transfer to Minors Account (UTMA) and Uniform Gifts to Minors Act (UGMA) dictate the age of trust termination which varies by state. The legal age to purchase alcohol or tobacco is also 21 years.

References

- <https://www.doh.wa.gov/YouandYourFamily/FamilyPlanning/StateLaws>
- <https://depts.washington.edu/hcsats/PDF/guidelines/Minors%20Health%20Care%20Rights%20Washington%20State.pdf>
- <https://www.hhs.gov/hipaa/for-professionals/faq/227/can-i-access-medical-record-if-i-have-power-of-attorney/index.html>
- <https://www.hhs.gov/hipaa/for-professionals/faq/personal-representatives-and-minors/index.html>
- <https://www.hhs.gov/hipaa/for-professionals/faq/2092/can-minor-childs-doctor-talk-childs-parent-about-patients-mental-health-status-and-needs.html>