

Health Information Compliance Alert

Reader Question: Minors Retain HIPAA Rights

Question: What happens to a minor's health information in terms of access when the minor comes of age or becomes emancipated? I know that an individual's parent or guardian would not have access to any health information/records produced after the patient turns 18 (or becomes legally emancipated), but would the parent or guardian still have access to information about health services performed while the patient was still a minor?

Maryland Subscriber

Answer: Once the patient comes of age or becomes emancipated, the patient has all the rights granted by HIPAA and state/local/other law in relation to all of his or her protected health information, including information and records from the period during which the patient was a minor. A parent or guardian may only gain access to an adult's health records if he or she is appointed as the patient's personal representative.