

Laura Wakil, M.D.  
SD Psychiatry and Wellness

### **INTRODUCTION:**

This agreement has been created for the purpose of outlining the terms and conditions of services to be provided by your child's clinician, Laura Wakil, M.D. and is intended to provide important information regarding the practices, policies and procedures of clinician's practice and to clarify the terms of the professional therapeutic relationship between Provider and Patient. Any questions or concerns regarding the contents of this Agreement should be discussed with the clinician prior to signing it.

### **POLICY REGARDING CONSENT FOR THE TREATMENT OF A MINOR CHILD**

I generally require the consent of both parents prior to providing any services to a minor child. If any question exists regarding the authority of Representative to give consent for treatment, I will require that Representative submit supporting legal documentation, such as a custody order, PRIOR to the commencement of services. If there is a formal and/or informal custody arrangement, it is your responsibility to inform me of this arrangement and provide related legal documents. I will need to have documents in your child's file.

### **RECORDS AND CONFIDENTIALITY**

Clinician wants parents to be involved with their child's ongoing care and growth as much as possible while at the same time preserving the minor's confidentiality and trust. Involving parents in treatment will necessitate sharing certain otherwise confidential information. The information disclosed by Patient is confidential and will not be released to any third party without written authorization from Patient or Representative, except where required or permitted by law. Exceptions to confidentiality include, but are not limited to, reporting child, elder and dependent adult abuse, when a patient makes a serious threat of violence toward a reasonably identifiable victim, or when a patient is dangerous to him/herself or the person or property of another. *Representative should be aware that clinician is NOT a conduit of information to the Patient.* Although Representative can expect to be kept up to date as to Patient's progress in therapy, he/she will typically not be privy to detailed discussions between clinician and Patient. However, Representative can expect to be informed in the event of any serious concerns clinician might have regarding the safety or wellbeing of Patient, including suicidality., having them participate does not mean parents have a right to access all confidential records. (please see below).

### **AGREEMENT FOR SERVICES / INFORMED CONSENT FOR PARENTS OF MINORS**

If Patient or Representative request a copy of clinician's records, such a request must be made in writing. Representative will generally have the right to access the records regarding the patient. However, this right is subject to certain exceptions set forth in California Law. Under California state law, providers may refuse to provide parents or guardians access to a minor's medical records when "the health care provider determines that access to the patient records requested by the [parent or guardian] would have a detrimental effect on the provider's professional relationship with the minor patient or the minor's physical safety or psychological well-being." Cal. Health & Safety Code § 123115(a)(2).

There are also Special Services where the Minor, 12 and older, has certain rights:

#### 1. Abortion

Irrespective of who consented for the care, a health care provider is not permitted to share information or records regarding abortion services with a parent or legal guardian without the minor's written authorization.

Cal. Civil Code §§ 56.10, 56.11; Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); American Academy of Pediatrics v. Lungren, 66 Cal. Rptr. 2d 210 (1997).

#### 2. Drug- and Alcohol-Related Problems

- Under state law, if a parent or guardian consents for a minor's drug or alcohol treatment, "the physician [must] disclose medical information concerning the care to the minor's parent or legal guardian upon his or her request, even if the minor child does not consent to disclosure, without liability for the disclosure." Cal.

Family Code § 6929(g).

- When a minor consents for his own drug or alcohol treatment, state law prohibits a health care provider from sharing records with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10(a), 56.11(c); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1). At the same time, state law requires health care providers to involve the minor's parent or guardian in the treatment plan, if appropriate.

#### 3. Family Planning, Including Contraception (Not Title X Funded)

Irrespective of who consented for the care, a health care provider is not permitted to share information or records regarding the prevention or treatment of a minor's pregnancy with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10(a), 56.11(c); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1).

#### 4. HIV/AIDS

A health care provider is not permitted to share information or records regarding a minor's HIV/AIDS services with a parent or legal guardian without

the minor's written authorization. Cal. Civil Code §§ 56.10(a), 56.11(c); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1).

#### 5. Infectious, Contagious, or Communicable Diseases (Reportable)

Irrespective of who consented for the care, a health care provider is not permitted to share information or records regarding a minor's treatment for reportable diseases with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10, 56.11; Cal. Health & Safety Code §§ 123110(a), 123115(a)(1). California law says that a health care provider is not permitted to share information or records regarding a minor's STD services with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10(a), 56.11(c); Cal. Health & Safety Code §§

#### 6. Pregnancy

A health care provider is not permitted to share information or records regarding the prevention or treatment of a minor's pregnancy with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10(a), 56.11(c); Cal. Health & Safety Code §§ 123110(a), 123115(a)(1).

#### 7. Rape Treatment

For minors 12 and older: A health care provider is not permitted to share information or records about rape treatment with a parent or legal guardian without the minor's written authorization. Cal. Civil Code §§ 56.10, 56.11; Cal. Health & Safety Code §§ 123110(a), 123115(a)(1).

Should Representative request access to clinician's records, such a request will be responded to in accordance with California Law. Clinicians will maintain Patient's records for seven years following termination of treatment, or when Patient is 18 years of age, whichever is longer. However, after seven years, Patient's records will be destroyed in a manner that preserves Patient's confidentiality.

### **PATIENT LITIGATION**

- Clinician does not voluntarily participate in any litigation, or custody dispute in which Patient, or Representative, and another individual, or entity, are parties.
- Clinician does not communicate with Representative's attorney and will generally not write or sign letters, reports, declarations, or affidavits to be used in Patient's, or Representative's legal matter.
- Clinician does not provide records or testimony unless compelled to do so. Should clinician be subpoenaed, or ordered by a court of law, to appear as a witness in an action involving Patient, Representative agrees to reimburse clinician for any time spent for preparation, travel, or other time in which clinician has made him/herself available for such an appearance at clinician's usual and customary hourly rate of \$450.00/hr

- Clinician does not make any recommendation as to custody or visitation regarding Patient. Clinician will make efforts to be uninvolved in any custody dispute between Patient's parents.

I, \_\_\_\_\_ am the Representative of (Minor's name:) \_\_\_\_\_ (Minor's DOB:) \_\_\_\_\_ give informed consent to, and authorizes services by, Laura Wakil, M.D. for my child.

These services may include psychotherapy, medication therapy, laboratory tests, diagnostic procedures and other appropriate alternative therapies.

The undersigned understands that he/she has the right to:

1. Be informed of and participate in the selection of treatment modalities.
2. Receive a copy of this consent.
3. Withdraw this consent at any time.