



Confidentiality, Consent and Guardianship



know your rights

It is important to know your rights when it comes to your health care.

Your rights include:

- being treated with respect
- explaining information in ways you understand
- involving you in making decisions
- including your caregiver(s) during appointments, if you wish
- asking questions
- respecting your privacy and confidentiality
- allowing you access to your medical records.

Confidentiality

There are federal and state laws about patient privacy, confidentiality and consent. The Health Insurance Portability and Accountability Act (HIPAA) is one law that sets rules for health care providers and health insurance companies about who can look at and receive your health information.

HIPAA gives you rights over your health information, including the right to get a copy of your information, make sure it is correct, and know who has seen it.

Your health information will stay between you and your health care team, unless you give written permission to allow health care team members to speak or share your information with others. (There are a few exceptions.)

Consent

When you agree to let your health care provider give you treatment or perform a procedure, you are giving your consent. You have the right to give consent or refuse a treatment or procedure. There are two types of consent: informed and implied.



MINNEAPOLIS
HEART
INSTITUTE

Allina Health

ABBOTT
NORTHWESTERN
HOSPITAL

Children's
MINNESOTA



The Children's
Heart Clinic

- Informed consent is given by you or your caregiver(s) after your health care provider explains the risks and benefits of a treatment or procedure (such as surgery or a blood transfusion). You or your caregiver(s) sign an informed consent form. Once you turn 18, you will be responsible for giving consent yourself.
- Implied consent is given when you give verbal permission (such as before giving you an exam) to your health care provider.

If you are younger than 18 years old, you cannot receive health care without the consent of a caregiver. However, you can give consent for medical, mental or health services for:

- testing or treatment related to pregnancy
- testing or treatment for sexually transmitted infections
- exam or treatment for alcohol or other drug abuse.

Guardianship

Guardianship is a legal process in which the court appoints someone (a guardian) to manage another person's personal and health care decisions. Guardianship is for someone who cannot make his or own decisions based on physical, mental, emotional or social needs.

The court will make the decision based on evidence that the protected person (known as a ward) cannot make necessary decisions. When guardianship is granted, the protected person does not have a legal right to manage his or her decisions.

The guardian must:

- provide necessities (such as food, shelter, clothing)
- allow the protected person necessary medical care (there are some exceptions)
- file a report with the court about the protected person's well-being. The report contains detailed information about the protected person's physical, mental and social status as well as medical and other services provided.

Guardianship ends either with death or a court order.



Resources and Support

Visit these websites for more information:

- Minnesota Judicial Branch: mncourts.gov/Help-Topics/Guardianship-and-Conservatorship.aspx
- The Minnesota Association for Guardianship & Conservatorship (MAGiC): minnesotaguardianship.org.
- PACER Center: pacer.org
- The ARC Greater Twin Cities: arcgreatertwincities.org

