

Connecticut Expands Minors' Confidential Access to Treatment for HIV and AIDS, Adds Reporting Requirement

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On July 1, 2019, Connecticut Governor Ned Lamont signed into law Public Act No. 19-109 "An Act Concerning The Prevention Of The Human Immunodeficiency Virus" (PA 19-109) which increases access to preventative and prophylactic human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) interventions for minor patients, and adds two exceptions to the confidentiality requirements for HIV/AIDS treatment of a minor patient. The Act is effective July 1, 2019.

Currently, Conn. Gen. Stat. § 19a-592, provides that a parent's (or guardian's) consent is required in order for a minor to obtain treatment for HIV or AIDS from physicians and advanced practice registered nurses (APRNs), unless the physician or APRN determines that parental notification will result in treatment being denied, or not pursued or continued by the minor, and the minor requests that his/her parent or guardian not be notified. The treating provider must document the reasons for the determination in the minor's medical record. Further, under the current law, information related to such treatment may not be disclosed without the minor's consent (including through sending of a bill to any person other than the minor prior to consultation regarding the bill with the minor), and the minor is personally liable for the resulting cost(s).

This legislation expands the current law to provide that minors may receive prophylaxis, as well as treatment, for HIV or AIDS without parental notification in certain circumstances, and the prophylactic treatment must similarly be kept confidential except as described below. The Act defines prophylaxis as "the use of medication... to prevent disease" but that term "does not include the administration of any vaccine." A physician or APRN who determines that parental notification regarding a minor patient's prophylaxis for HIV/AIDS will result in such prophylaxis being denied, or not pursued or continued by the minor, must similarly document the basis for his/her determination in the minor's medical record.

The Act also adds two exceptions to the confidentiality protections of the current law. First, if the minor is 12 years old or younger and receiving such prophylaxis or treatment for HIV or AIDS without parental or guardian consent or knowledge, the physician or APRN must report the minor's name, age, and address to the Department of Children and Families for investigation or evaluation of possible child abuse or neglect. Second, the treating physician or APRN may report such HIV/AIDS treatment of a minor if mandated pursuant to the Connecticut Department of Public Health's

requirements for reportable diseases.

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