



National Center for Youth Law

PrEP and PEP for Minors: FAQs about Consent, Access, and Confidentiality in California

What is PrEP?

- PrEP, or “pre-exposure prophylaxis,” is a medication that HIV-negative individuals take daily before exposure to reduce the risk of becoming infected. PrEP works by stopping HIV from taking hold and spreading throughout the body.¹ The FDA approved the medication “Truvada” for PrEP use in 2012. In 2018, the FDA approved the use of Truvada for adolescents.²
- The risk of getting HIV from sex can be even lower if PrEP is used along with condoms and other prevention methods.



For more information on PrEP, go to <https://www.cdc.gov/hiv/basics/prep.html>
To help clients find a PrEP provider, go to <https://pleaseprepme.org/>

What is PEP?

- PEP, or “post-exposure prophylaxis,” is an HIV prevention strategy where HIV-negative individuals take medication after a potential HIV exposure to reduce their risk of getting infected.



For more information on PEP and its efficacy, go to <https://www.cdc.gov/hiv/basics/pep.html>

Can minors (youth under age 18) consent to PrEP or PEP treatment on their own?

- Yes. Under California law, minors 12 years of age and older may consent to medical care related to the prevention, diagnosis, or treatment of a sexually transmitted disease (“STD”).³ PrEP is prescribed to reduce the risk of HIV infection and thus is considered prevention care under this law. PEP is also prescribed to reduce the risk of HIV infection and thus is considered prevention care.

How does a minor get access to PrEP or PEP?

- PrEP and PEP are available by prescription from a health provider. Since a minor can consent to PrEP and PEP prescriptions, a minor either can schedule an appointment with a provider on their own confidentially or can ask a caregiver to participate and provide assistance and/or support. PrEP is also available through an online program.



To find an adolescent friendly PrEP provider, go to www.pleaseprepme.org
For online PrEP prescriptions, go to www.nurx.com/prep/ or <http://prep.plushcare.com/>

Does a minor have a right to confidentiality when they receive PrEP or PEP?

- When a minor 12 or older receives any services related to prevention, diagnosis or treatment of an STD, including PrEP or PEP, the minor has a right to control access to and release of health information about and related to that care.
- ***This means a health care provider cannot disclose PrEP or PEP use to a parent or legal guardian without first obtaining the written authorization of the minor for that disclosure.*** If the minor would like their parents to know and be able to communicate with their provider about PrEP or PEP, the minor must sign an authorization.⁴

How can a minor pay for PrEP?

- California's state Medicaid program, MediCal, covers the cost of PrEP.⁵
- Most private health insurance also cover PrEP.
- For more information on paying for PrEP, go to <https://pleaseprepme.org/california>.
- For information on confidentiality when a minor uses private health insurance, see below.

How can youth make sure that their use of PrEP or PEP stays confidential when they use their parents' insurance?

- Often, a minor is enrolled on a health insurance policy held in another person's name, such as a parent. The parent is considered the policy holder of the health plan. Health insurance companies can and sometimes do send information to the policy holder about services rendered and paid for by the insurance plan, even if the services were provided to another member of the family. One example of such a communication is an Explanation of Benefits (EOB) form.
- Under California law, however, minors who receive minor consent health care and use their parents' insurance to pay for that care can request that their insurer not send confidential information to the policyholder. In order to get this protection, the minor must make a Confidential Communications Request (CCR) to their insurer.
- Once an insurer receives a CCR, the health insurance company has a certain amount of time before it must stop sharing the youth's confidential health information with the policyholder of the youth's health plan. Most health insurance companies must accept and honor CCR requests.



Go to www.myhealthmyinfo.org for more information on how to file a CCR, the timeline the insurer has to comply with a CCR, which insurers must comply with CCRs and other frequently asked questions about CCRs.

¹ Centers for Disease Control and Prevention, *HIV Basics: PrEP*, available at: <https://www.cdc.gov/hiv/basics/prep.html>.

² <http://www.gilead.com/news/press-releases/2018/5/us-food-and-drug-administration-approves-expanded-indication-for-truvada-emtricitabine-and-tenofovir-disoproxil-fumarate-for-reducing-the-risk-of-acquiring-hiv1-in-adolescents>

³ Cal. Fam. Code § 6926.

⁴ Cal. Health & Safety Code §§ 123110(a), 123115(a)(1); Cal. Civ. Code §§ 56.10, 56.11

⁵ California Department of Health Care Services, *Erroneous Treatment Delays and Denials for HIV PrEP and PEP*, available at: http://files.medi-cal.ca.gov/pubsdoco/newsroom/newsroom_26539.asp.