

**Institutional Handbook of Operating Procedures**

**Policy 09.03.20**

Section: Clinical	Responsible Vice President: Senior Vice President, Legal and Regulatory Affairs
Subject: Patient Rights	Responsible Entity: Department of Legal Affairs

**I. Title**

*Consent – Universal Childhood and Adolescent Immunizations*

**II. Policy**

The University of Texas Medical Branch (UTMB) is committed to promoting the Texas Department of Health's (TDH) initiative to increase immunization rates and patient follow-up compliance; and to promoting consistency regarding the assessment and administration of immunizations. Each patient care site shall have a procedure for evaluating the immunization status of [minor](#) patients who register for care. The process should include a review of the TDH Immunization Registry (Imm•Trac), to determine if the child is already enrolled, to amend the registry with any current inoculations and to register the child in the event that no prior record exists (unless the parent or guardian does not wish the child to be enrolled). The process of creating and amending the registry is facilitated through institutional electronic data sharing with TDH.

Unless the parent/guardian refuses, or unless there are medical contra-indications, necessary immunizations will be administered at the time of the patient's visit.

In accordance with state law and this policy, informed consent for immunization of a minor will be obtained before an immunization can be administered.

**III. Who May Consent**

**A.** The following individuals may consent to vaccination of a minor:

1. Parents (married);
2. Managing conservator, if parents are divorced, review custody papers to determine authority to consent;
3. A guardian of the child;
4. A person authorized under the law of another state or a court order to consent for the minor.

**B.** If any of the above cannot be contacted and the authority to consent is not denied, consent may be given by any of the following people:

1. A grandparent;
2. An adult brother or sister;
3. An adult aunt or uncle;
4. A stepparent;
5. An educational institution in which the minor is enrolled that has written authorization from someone having power to consent for the child;
6. Another adult who has actual care, control, and possession of the minor who has written authorization to consent for the minor from a parent, managing conservator, guardian of

the minor, or other person who, under the law of another state or a court order, may consent for the child;

7. A court having jurisdiction over the child while a divorce or other suit affecting the parent-child relationship is pending;
8. An adult having actual care, control, and possession of the minor under an order of a juvenile court or by commitment by a juvenile court to the care of an agency of the state or county; or,
9. An adult having actual care, control, and possession of the minor as the primary caregiver of the minor.

#### **IV. Persons Who Cannot be Contacted**

- A. For purposes of this policy, a person cannot be contacted if:
  1. The location of the person is unknown; and
  2. A reasonable effort made by a grandparent, adult brother or sister, or another person listed in this policy to locate and communicate with the person for the purpose of obtaining the consent has failed and not more than 90 days have passed since the date that the effort was made; or
- B. The person who may consent to immunization of the minor has been contacted and the person:
  1. Fails to carry out consent for the minor or fails to carry out a delegation of authority to consent as described in this policy; and,
  2. Does not expressly deny authority to consent for the minor to the grandparent, adult brother or sister, or another person listed in this policy.

#### **V. Consent Disallowed**

A person otherwise authorized to consent *may not* consent for the child if the person has actual knowledge that a parent, managing conservator, guardian of the child, or other person who under the law of another state or a court order may consent for the child:

1. Has expressly refused to give consent to the immunization;
2. Has been told not to consent for the child; or
3. Has withdrawn a prior written authorization for the person to consent.

#### **VI. Consent From Texas Youth Commission**

The Texas Youth Commission may consent to the immunization of a minor committed to its care, if a parent, managing conservator, guardian of the minor, or other person who may consent for the minor under the law of another state or court order has been contacted and:

1. Refuses to consent; and
2. Does not expressly deny to the Texas Youth Commission the authority to consent for the minor.

#### **VII. Health History and Other Information**

- A. Those who consent on behalf of the minor's parent, managing conservator, guardian, or other legally-authorized persons shall provide the health care provider with sufficient and accurate health history and other information about the minor for whom the consent is given.
- B. If necessary, sufficient and accurate health history and information about the minor's family may be requested from the person who may consent to the minor's immunization to enable the health care provider to adequately determine the risks and benefits inherent in the proposed immunization and to determine whether immunization is advisable.

**VIII. Delegation of Consent for Immunization**

**A.** A parent or other person having the authority to consent may consent to the immunization of a minor may delegate that authority to:

1. A grandparent;
2. An adult brother or sister;
3. An adult aunt or uncle;
4. A stepparent; or
5. Another adult who has actual care, control and possession of the minor.

**B.** The delegation must be in writing, and contain the following information:

1. The signature of the person authorized to give consent;
2. The name and date of birth of the minor;
3. The name of the adult giving consent for immunization of the minor; and
4. The relationship to the minor of the adult giving consent.

**IX. Documentation From Another State or Country Authorizing Immunization**

A health care professional may rely on a notarized or similarly authenticated document from another state or country presented to consent for immunization of a minor by a grandparent, adult brother or sister, adult aunt or uncle, or stepparent of the minor if the document contains the following information:

1. The signature of the person authorized to give consent;
2. The name and date of birth of the minor;
3. The name of the adult giving consent for immunization of the minor; and
4. The relationship to the minor of the adult giving consent.

**X. Vaccine Information Summary (VIS)**

Federal law requires that a specific Vaccine Information Summary (VIS) be provided to legal representatives of children prior to the administration of certain vaccines. In order to fulfill this requirement and document the informed consent of the minor's legal representative, health care professionals will use information sheets prepared by the Texas Department of Health and available in the Department of Pediatrics.

**XI. Consent by Minor**

A minor may consent to immunization if the minor is:

1. Pregnant; or
2. The parent of a child and has actual custody of that child; and
3. The initial dose of the immunization is recommended or authorized by the [Centers for Disease Control \(CDC\)](#) to be administered before seven (7) years of age.

**XII. Reporting Adverse Reactions**

All [adverse reactions](#) are documented on the [Adverse Drug Reaction reporting form](#) using the procedures delineated in [Policy 9.13.14, Adverse Drug Events](#).

**XIII. Relevant Federal and State Statutes**

[Texas Family Code, §§32.101-103](#)

**XIV. Related UTMB Policies and Procedures**

[IHOP - 09.13.14 - Adverse Drug Events](#)

**XV. Additional References**

[The National Childhood Vaccine Injury Act of 1986](#)  
[National Network for Immunization Information](#)

**XVI. Dates Approved or Amended**

<i>Originated: 4/01/1994</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
12/07/2004	2/16/2009
07/06/2015	08/21/2018

**XVII. Contact Information**

Department of Legal Affairs  
(409) 747-8738