



**Guidance for City and County of San Francisco (CCSF) Healthcare Providers and
Contractors Administering Mpox Vaccines to Minor Patients**

Updated December 20, 2022

Summary of Changes since the 8/23/2022 Version

- Added end date for the public health emergency declaration of mpox in San Francisco.
- Clarified who can access a minor's immunization records in CAIR without a minor's explicit consent.
- Removed the CAIR opt-out process for minors. This option is only available to people 18 and over.
- Updated "Monkeypox" and "MPX" to "mpox" in alignment with the [World Health Organization](#).

CCSF is sharing this Guidance to promote the general welfare, health and safety, and effective patient care as it relates to the administration of mpox related healthcare for minors during the current mpox outbreak. Anyone reviewing this Guidance also must understand that the mpox response continues to change: Data, recommendations, and authorizations concerning the provision of healthcare related to mpox in minors—including testing, vaccine administration and treatment with antivirals—continue to evolve. This Guidance is based specifically on the data, recommendations, and authorizations concerning healthcare treatments to minors related to mpox, including vaccination with JYNNEOS for the prevention of mpox, which is subject to change without notice. Providers should consult FDA and CDC guidelines for the current authorizations and recommendations, as well as applicable federal, state, and CCSF law. Providers should also consult with their Health & Safety, Infection Control, Risk Management, and Legal Staff before deciding to use any of the information or processes in this Guidance. Any decision to use all or part of this Guidance rests solely with that provider. In making this Guidance publicly available, CCSF is not assuming or imposing on CCSF, nor its officers or employees, any obligation for which it may be liable to any person who claims that this Guidance proximately caused injury.

This guidance will be posted on www.sfchcp.org/mpxhcp.

Background

Mpox is a disease caused by infection with the mpox virus and is part of the same family of viruses as the virus that causes smallpox. The mpox virus can spread to anyone through close skin-to-skin contact, including sexual contact. Mpox symptoms are like smallpox symptoms, but milder, and mpox is rarely fatal.

However, since the epidemic began in May 2022, the number of cases of mpox in San Francisco dramatically increased and sexual transmission has been identified to be a particularly efficient mode of transmission. There are also people who experience more severe cases of mpox, including bacterial

superinfection, extensive skin lesions, eye involvement, and painful oropharyngeal or anorectal lesions ([NEJM 2022](#)).

On July 28, 2022, the Health Officer for the City and County of San Francisco (“Health Officer”) announced that she would declare a local public health emergency, effective August 1, 2022, related to the mpox outbreak. The State of California declared a State of Emergency on August 1, 2022, and the federal government declared a public health emergency on August 4, 2022. As a result of this action and the overwhelming community support and advocacy for critical resources such as vaccines from the federal government, San Francisco was able to lead a successful public health response and the public health emergency declaration on mpox ended on October 27, 2022.

In California, adolescents (minors ages 12-17 years old) can legally consent to receiving healthcare related to their sexual health, or in relation to reportable infectious diseases like mpox during an outbreak, without parental involvement. CCSF recognized that providing healthcare services related to mpox in a way that maintains and respects the privacy and autonomy of adolescents is critical to this outbreak response, to promoting public health and to preventing further disease transmission. It continues to be an important factor in how public health addresses vulnerable populations and CCSF reaffirms the following guidance to its clinics and healthcare providers.

Guidance

- 1) On August 9, 2022, the U.S. Food and Drug Administration (“FDA”) issued an [Emergency Use Authorization \(“EUA”\)](#) for use of JYNNEOS vaccine for the prevention of mpox disease in individuals determined to be at high risk of mpox infection. The EUA does not require specific informed consent for persons of any age. General consent for medical care is all that is required.
- 2) A minor is defined as an individual who is under 18 years of age.
- 3) Generally, a parent or guardian’s consent is required for the provision of healthcare for a minor, including vaccinations, except under certain limited circumstances. These circumstances include:
 - a) Minors ages 12–17 years who are seeking medical care related to the **prevention of a sexually transmitted disease**. (California Family Code § 6926(b)).
 - b) Minors ages 12-17 years who may have come into contact with an **infectious, contagious, or communicable disease** that is reportable to the Health Officer, which includes outbreaks such as the current mpox outbreak, and are seeking medical care related to the diagnosis or treatment of that disease. (California Family Code § 6926(a)).
 - c) **Self-sufficient minors** can consent to medical care without the parent or guardian’s consent. A self-sufficient minor is defined as: age at least 15 years; and living separate and apart from the minor’s parents or legal guardian (regardless of consent of parents/guardian or duration of separate residence); and managing the minor’s own financial affairs (regardless of source of income). (California Family Code § 6922).
 - d) **Emancipated minors** can consent to medical care without parental consent or knowledge. An emancipated minor is defined as: a minor who is legally married/established domestic partnership; or on active duty in the U.S. armed

forces; or has a court-issued Declaration of Emancipation. (California Family Code §§ 7002, 7050).

- 4) In the limited circumstances outlined above where (a) a minor can consent to medical treatment without the parent or guardian's consent, (b) the minor in fact consents, and (c) the minor has not requested the parent or guardian be treated as a personal representative or otherwise consented to sharing the information with the parent, then CCSF-affiliated providers must treat the medical records associated with that treatment and information about the care as confidential and must not disclose the records or information to the parent or guardian unless the minor consents to such disclosure. (42 C.F.R. § 164.502(g)(3)); California Health & Safety Code §§ 123110, 123115).
- 5) Vaccination providers must provide the [Vaccine Information Fact Sheet for Recipients and Caregivers](#) ("Fact Sheet") to all vaccine recipients or their caregiver. For minor patients ages 12-17 years who are consenting for their own care, CCSF-affiliated providers should provide the Fact Sheet to the consenting minor, and to their parent or guardian only if the minor consents to release information to the parent or guardian. Providers shall follow their standard processes to document the minor's consent while maintaining confidentiality. Providers may distribute the Fact Sheet or a link to the Fact Sheet.
- 6) CCSF-affiliated providers must document that the Fact Sheet was provided.
- 7) If a minor who can consent to the care wants to have their parent or guardian consent to the care, best practice is to have both the minor and the parent or guardian consent.
- 8) For any minor who is not authorized to consent for the care (e.g., age under 12, unable to understand risks and benefits of medical care, etc.), their parent or other guardian holding legal authority to consent to medical care may consent for the minor.

Q&A About Minor Consent for Healthcare Related to Mpox

- 1) Is mpox related care considered sexual health care?
 - a) Mpox is transmitted through direct skin-to-skin contact, including sexual contact. Therefore, even though it is not exclusively a sexually transmitted infection and can spread by any close, skin-to-skin contact, it can be considered a sexually *transmissible* disease and the Health Officer considers medical care related to the prevention of mpox as part of general sexual health care.
- 2) Can a minor get treatment or vaccine if they are not sexually active?
 - a) Yes, as summarized above, a minor age 12 and older can receive medical care related to the diagnosis or treatment of mpox either with or without their parent/guardian because it is a communicable disease reportable to the Health Officer.
- 3) How should a provider or clinic maintain confidentiality for a minor if they are consenting to care without their parent or guardian?
 - a) A provider must treat the minor's records and information about the care as confidential unless the minor consents to disclosing the records or information to the parent or guardian. The provider must utilize all the tools available to them to maintain the privacy of the minor including, but not limited to: documenting a confidential phone number to contact the patient, refraining from using automatic

text/email reminders for confidential clinic visits (including future care, such as second shot), identifying clinical notes and lab results as “confidential” in the medical record so they are not released without the minor’s consent, not discussing confidential care when a parent or other person is present without first checking with the minor in private if the information can be shared, etc.

- 4) How does confidentiality for the provision of mpox related healthcare for minors relate to mandated reporting laws?
 - a) All existing mandating reporting laws still apply separate from the confidentiality rules related to sexual health care and mpox related care for minors. Mandated reporters must make mandated reports whenever required by law. Patients should be counseled about those limitations on confidentiality and providers should follow their institutional policies around mandating reporting.
 - b) While clinics serving adolescents may be experienced in mandated reporting and confidentiality protection, other locations, such as mass vaccination sites, should ensure staff are fully trained and aware of mandated reporting and confidentiality requirements for minors.

- 5) Is the JYNNEOS vaccination status of a minor available in California Immunization Registry (CAIR)? Could a parent or other person with access to CAIR or other vaccination record see that a minor has been vaccinated?
 - a) Yes, currently all JYNNEOS vaccines that are administered are reported to CDPH and available for view to those with access to CAIR. **Providers must counsel minor patients that other entities (e.g., schools or parents) may have access to the minor’s vaccination record without the minor’s explicit consent.** Schools have access to view the minor’s vaccination records through CAIR, and that could result in the school having a record of certain vaccinations (like the JYNNEOS vaccine or HPV vaccine). A parent may request a minor’s immunization record be emailed to them from CAIR by filling out this [form](#), or they may request the record from the minor’s healthcare provider.

Sample Minor Consent Workflow

The sample workflow below is intended as an example of how to implement the guidance expressed in this document for minors 12 and older who can consent to their own care. For minors under 12 or minors who cannot consent to their own care, standard protocols for consent involving the parent must be followed. Providers may adapt this workflow for their own circumstances.

The consent document is intended to be a separate document, should have a signature block for the minor, and should be retained by the provider.

Name of Minor: _____ **Date of Birth:** ___/___/___

For a minor meeting one of the criteria under the “Attestation” section below is seeking confidential services:

- Minor provided with Fact Sheet if receiving vaccination.
- Consent obtained from minor according to clinic’s standard process.
- Minor counseled on limitations of confidentiality.
- Minor counseled on record of JYNNEOS vaccination available in CAIR (if receiving vaccination).
- Minor provided with Fact Sheet, signs, and dates consent form.

Attestation: At least one of the following is true:

- I am age 12-17 years and am seeking care for the prevention of mpox.
- I am in or have been in a valid marriage or domestic partnership, regardless of whether the marriage or domestic partnership has been dissolved.
- I am on active duty with the US armed forces.
- I am age 14 years or older and have obtained a declaration of emancipation.
- I am self-sufficient, as shown by the following (all three must be true):
 - I am age 15 years or older.
 - I live separate and apart from my parents or legal guardian, whether with or without their consent.
 - I manage my own financial affairs.