



Guidance for City and County of San Francisco (CCSF) Healthcare Providers and Contractors Administering COVID-19 Vaccines to Minor Patients

May 17, 2021

CCSF is sharing this Guidance in an effort to promote the general welfare, health and safety, and effective patient care as it relates to the administration of COVID-19 vaccines in minors during the COVID-19 pandemic. Anyone reviewing this Guidance must understand the following:

Data, recommendations, and authorizations concerning the administration of COVID-19 vaccines in youth and adolescents continue to evolve. CCSF developed this Guidance for use by CCSF-affiliated healthcare providers based on current federal, state, and CCSF rules and guidance applicable to COVID-19 vaccinations as of May 17, 2021, including Health Officer Order No. C19-19. This Guidance is based specifically on the data, recommendations, and authorizations concerning the administration of COVID-19 vaccines as of May 17, 2021 and 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, including but not limited to Health Officer Order No. C19-19, regarding administration of COVID-19 vaccines in minors.

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, or 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 at www.sfcddcp.org/covidvax-administer

Background

During the COVID-19 pandemic, vaccination of the entire population, including minors, is critical to interrupting COVID-19 transmission and reducing morbidity and mortality from COVID-19. In this context, CCSF seeks to avoid unnecessary barriers to vaccination while protecting the rights of minors, parents, and guardians and issues the following guidance to its clinics and healthcare providers.

Guidance

- 1) The U.S. Food and Drug Administration (“FDA”) Emergency Use Authorizations for COVID-19 vaccines do not require informed consent to receive a COVID-19 vaccine. The consent language can reference COVID-19 vaccination, but general consent for medical care is all that is formally required.
- 2) Minor is defined as an individual who is under 18 years of age.
- 3) A parent or guardian’s consent for medical care is required for COVID-19 vaccination of a minor, except under certain limited circumstances. These circumstances include:
 - a) ***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).
 - b) ***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) Self-sufficient and emancipated minors are not the norm and thus relatively uncommon. For the purposes of COVID-19 vaccination, CCSF-affiliated vaccination providers should reasonably attempt to ascertain a minor’s claim of self-sufficient or emancipated status, while avoiding undue burden for the minor that would prevent vaccination. This may include accepting a signed attestation by the minor.
- 5) In all other circumstances prior to COVID-19 vaccination of a minor, CCSF-affiliated providers should reasonably attempt to obtain consent from the minor’s parent or legal guardian. This includes, in order of preference:
 - a) Minor is accompanied by parent or guardian, who signs a consent document in person;
 - b) Minor is not accompanied by parent or guardian, but a consent document signed by the parent or guardian is received by the provider; or
 - c) Minor is not accompanied by parent or guardian, but the provider obtains and documents verbal consent from the parent or guardian via telephone call.

- 6) CCSF-affiliated providers should use reasonable judgment but may accept as stated by the minor or the adult that the adult is the minor's parent or legal guardian, without requiring formal documentation of that status.
- 7) CCSF-affiliated providers should use reasonable judgment but may accept as stated by the minor, parent, or guardian that the minor is of age to receive COVID-19 vaccine under the conditions of the FDA Emergency Use Authorization (or FDA Approval) for that vaccine, without requiring formal documentation of birthdate. As of the date of this writing, the Pfizer-BioNTech COVID-19 vaccine is authorized for minors aged 12-17 years; no other COVID-19 vaccine is currently authorized for minors.
- 8) There may be circumstances in which the CCSF-affiliated provider is **unable to obtain written or verbal consent** by the parent or guardian of a minor. In such a circumstance, the provider may be able to rely solely on the minor's consent, but only if the provider adheres to the requirements of Health Officer Order No. C19-19 (see next section for details).

Health Officer Order No. C19-19

COVID-19 vaccination providers should review all provisions of Order No. C19-19 (the "Order") which is posted here: <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>

In brief:

- The Order allows minors in the City and County of San Francisco who are 12 years old or older to consent to receive a COVID-19 vaccine; however, the provider must first reasonably attempt to notify the parent or guardian and allow that person the opportunity to object to the administration of that dose.
- The Order does not authorize the provider to administer a COVID-19 vaccine under the Order to a minor if the parent or guardian objects, or if a COVID-19 vaccine is not FDA-authorized for that minor's age.
- The Order does not mandate notice to a parent or guardian of a minor who is emancipated or self-sufficient.
- The Order invokes liability protection under Section 8659 of the California Government Code for physicians or surgeons, hospitals, pharmacists, respiratory care practitioners, nurses, or dentists who administer COVID-19 vaccine to a minor under the provisions of the Order. The San Francisco Department of Public Health has accordingly limited its own employees authorized to administer a vaccine to a minor under the Order when there is no consent of a parent or guardian to employees who are licensed as a physician or surgeon, pharmacist, respiratory care practitioner, or nurse.

Q & A

Q: *What constitutes a reasonable attempt to notify the parent or guardian?*

A: Because individual circumstances vary considerably, the Order does not specify a method, number of number of attempts, or waiting period required to notify the parent or guardian. It is left to the provider, considering the particularities of the vaccination clinic or event, or the minor's family or custody situation, to determine what constitutes a reasonable notification attempt.

Q: *What about liability protection for health professionals other than those listed in the Order?*

A: Section 8659 of the Government Code affords immunity to only the specific people and entities listed in the section so long as they comply with the requirements of the section, which includes complying with a Health Officer instruction. Best practice is to use the listed types of professionals to administer the vaccine under the Order when parent or guardian consent cannot be not obtained. But others are not prohibited from reliance on the Order.

Q: *How can we minimize the need for minors to consent?*

A: Providers are encouraged to make parent/guardian consent forms available to be signed prior to the vaccination visit, so that the parent, guardian, or minor can transmit the consent to the provider in advance, or the minor can bring a copy to the vaccination visit. Providers are also encouraged to inform minors that if they are unable to have the parent or guardian present at the visit or bring a consent form already signed by the parent or guardian, then they should arrange for the parent or guardian to be available at the time of the vaccination visit to receive a phone call from the provider.

Q: *What if the minor indicates awareness that the parent or guardian objects to vaccination, but the parent or guardian is not present or reachable to voice that objection?*

A: Best practice would be not to proceed with vaccination under these circumstances, unless or until the parent or guardian can be reached and provides consent to vaccinate.

Q: *What if the minor is in foster care (Juvenile Dependency)?*

A: There is a separate San Francisco Health Officer Order that applies in the context of dependent juveniles; providers should check with the dependent juvenile's case worker.

Sample Minor Consent Workflow

The sample workflow below is intended as an example of how to implement the guidance expressed in this document. Providers may adapt for their own circumstances. The consent document is intended to be a separate document, should have a signature block for the parent/guardian or minor, and should be retained by the provider.

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

Parent or guardian present, signed and dated consent form

Parent or guardian absent, consent form received, signed and dated by parent or guardian

Parent or guardian absent, telephone consent attempted

Reached; verbally consents to vaccination

Reached; verbally objects to vaccination – **do not vaccinate**

Unable to reach; provider follows Health Officer Order No. C19-19

Parent/Guardian Name _____ / Telephone _____

Provider _____ / Date and Time _____

Emancipated Minor signs and dates consent

Attestation: At least one of the following is true

I am married/in domestic partnership or have been married/in domestic partnership.

I am on active duty with the US armed forces.

I am age 14 years or older and have been emancipated by court order.

Self-Sufficient Minor

Attestation: All 3 of the following are true

I am age 15 years or older.

I live separate and apart from my parents or legal guardian.

I manage my own financial affairs.