

Liability: Physician Treating Minor Without Consent

S.D. Codified Laws 20-9-4.2

A physician who believes a minor's life or health is in imminent danger can treat the minor without first obtaining consent from the minor's parent(s) or guardian(s) and the physician will not be held legally responsible for initiating the treatment.

Emergency treatment of minor before parental consent ? Immunity ?

Exceptions

A minor as defined in §26-1-1 may be treated by a licensed physician before the minor's parent's or guardian's consent is obtained if a parent or guardian is not immediately available and if, in the opinion of the treating physician, exercising competent medical judgment, the attempt to secure the consent would result in delay of treatment which would threaten the minor's life or health.

No physician, hospital or other person assisting in the treatment of a minor may be held liable for providing medical or surgical treatment for a minor without consent of the minor's parent or guardian, if in the opinion of the treating physician, exercising competent medical judgment, the minor's life or health would be threatened by delaying treatment.

This section does not apply to an elective abortion or to sterilization or to any device or medication for the control of birth, nor shall it be construed to constitute a modification or repeal of any other current provision of law pertaining thereto.