

MATURE MINOR CONSENT

THEORY VS. PRACTICE

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MATURE MINOR

- A minor is a child under the age of majority
 - in British Columbia 19 years
- A minor is “mature” if he/she is capable of providing informed consent to his/her own health care

OUTLINE

- Key legislation
 - Infant Act
 - School Act
 - Independent School Act
- Informed consent
- Two real-life examples

INFANT ACT - DEFINITIONS

- Infant: individual under the age of 19
- Health care: anything done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health related purpose

INFANT ACT SECTION 17

- An infant may consent to health care... and if an infant provides that consent, the onset is effective and it is not necessary to obtain a consent to the health care from the infant's parent or guardian
- A... consent to health care by an infant does not constitute consent... unless the health care provider
 - Has explained to the infant and has been satisfied that the infant understands the nature and consequences and the reasonably foreseeable benefits and risks of the health care and
 - Has made reasonable efforts to determine and has concluded that the health care is in the infant's best interests

SCHOOL ACT SECTION 88

A board must provide health services, social services and other support services for schools in accordance with any orders made by the minister

STUDENT RECORDS DISCLOSURE ORDER

3. Access

Every board shall... permits the student record kept by the board for a student... to be disclosed to a person who is planning for the delivery of, or delivering, health services... to that student

SUPPORT SERVICES FOR SCHOOLS ORDER

1. Community health nurses in schools

Every Board shall

- Equip and maintain a room that can be used as a medical room in each school within the district, and
- Make that medical room available to the community health nurse assigned to the school during scheduled and special visits

INDEPENDENT SCHOOL ACT AND REGULATION

- Act gives the Minister power to make regulations
- Independent School Regulation, section 9
 - An authority must establish and maintain a record for each student... registered with the independent school...
 - An authority must, if required by the inspector's orders, permit a person providing health services... access to information in student records required to carry out those services

STUDENT RECORDS ORDER

6. Student Records Disclosure

Every authority must... permit the student record kept by the authority for a student... to be disclosed to a person who is planning for the delivery of... health services... to that student

ELEMENTS OF INFORMED CONSENT

- Specific to immunization
- Client-centered
- Voluntary
- Obtained without fraud/misrepresentation
- Assesses capability of one giving consent
- Provides Standard Information
- Provides time for questions and answers
- Gives right to refuse or revoke consent

PROCESS OF INFORMED CONSENT

- Determine the authority to provide informed consent
 - Parents have authority unless child has self-consented as a mature minor
 - Mature minors have authority; takes precedence over parental consent
 - It is the PHN's professional responsibility to inform them they may consent on their own behalf
- Assess capability to give informed consent
 - Demonstrate capability and understanding of the Standard Information

PROCESS CONT.

- Provide Standard Information (Health File)
- Confirm understanding of Standard Information
 - Clinical judgement, assess non-verbal clues, assess questions, clarify reasons for silence
- Provide opportunity for questions
- Confirm consent
- Document informed consent/refusal

SCHOOL BOARD 1 – PUBLIC

- FH contacted late afternoon prior to first Grade 6 and 9 Immunization Clinics
- Informed that a letter had been sent that day to parents, parental consent would be required for all HPV immunization of any student in the district
- Temporary decision made by FH not to offer any vaccine w/o parental consent

INTERPRETATION OF LEGISLATION

- By School Board
 - Board required to make a room available to school nurse, able to place restrictions on her actions in that room
 - Not obligated to send students wo parental consent to school nurse
- By HA and Ministry legal advisors
 - Not the intent of the School Act
 - Not the intent of the Infant Act

RESOLUTION

- Ministries of Health and Education chose not to intervene locally or provincially
- FH and School Board negotiated a new process
 - MMC not used for HPV at initial visit
 - Youth w/o parental consent encouraged to discuss with parents, informed of MMC
 - HPV given with MMC on subsequent visits
 - Resulted in a 4th visit to most schools
- Process for 2009/10 under discussion

SCHOOL BOARD 2 – INDEPENDENT

- Late August FH and VCH informed religious authority had sent a letter to parents stating mature minor consent would not be permitted for HPV vaccine
- Information package with web-links also included in letter
- FH and VCH asked to change their letters and consent forms to remove option of mature minor consent

INTERPRETATION OF LEGISLATION

- By School Board
 - Board required to provide class lists, not obligated to allow PH programs in schools
- By HA and Ministry legal advisors
 - Independent schools not obligated to allow PH onto their premises
 - Not offering mature minor consent a violation of minors' legal rights
 - At a minimum, mature minors should be given information about option of immunization at HU

RESOLUTION

- Rewriting and printing new consent forms unmanageable
- Letters written by FH and VCH stating MMC would not be used for HPV vaccine delivered in schools, included in packages
- Youth who asked would be given info about MMC and accessing vaccine at HU

PRINCIPALS

- Easiest to reach youth through schools, relying on booked visits at HU significantly reduces access
- Health Authorities partner with schools to deliver health services, relationship key
- Focus on shared principals
- Remember long-terms goals