

## CONSENT AND CONFIDENTIALITY

### HELPING VICTORIA'S YOUNG PEOPLE ACCESS HEALTH CARE

The Victorian Government is making sure young people are receiving the health support, advice and treatment they need to reach their full potential.

The \$43.8 million Doctors in Secondary Schools initiative is delivering on the Government's election commitment to fund general practitioners (GPs) to attend 100 of Victoria's schools to provide medical advice and health care to those students most in need. This initiative will also provide for modern, fit-for-purpose rooms where required.

This brochure provides answers to commonly asked questions about access to this program.

### WHAT IS THE CURRENT LAW ON CONSENT?

Victorian law is clear on consent for medical treatment by a GP:

- Young people who are mature minors can consent to their own medical treatment.
- Young people who are not mature minors cannot give consent to their own medical treatment.

As is the case in community GP practice, the GP participating in the Doctors in Secondary Schools program, will assess if a young person is a mature minor with respect to the issue for which they are seeking medical treatment.

### WHAT IS A MATURE MINOR?

Mature minors are young people under the age of 18 years who are deemed capable of seeking and obtaining health care for their particular issue. To give informed consent, a young person must be able to understand what treatment involves, what it is for, why it is needed and why it applies to them as an individual. The young person must also appreciate the risks associated with the treatment and be aware of the other options available, as well as the consequences of not pursuing treatment.

### HOW DOES THE GP ASSESS WHETHER A YOUNG PERSON IS A MATURE MINOR?

When the GP decides whether to give the young person medical treatment, they will consider:

- Age
- Maturity in other areas of their life
- Independence – whether they live at home with a parent or carer, or support themselves
- The seriousness of the treatment
- The young person's understanding of why the treatment is needed, what it involves, treatment options, things that might go wrong (like side effects from drugs, or other complications), and consequences of non-treatment.

### WHAT IF MY CHILD IS NOT A MATURE MINOR?

In the case of the Doctors in Secondary School program, any young person who wants to make an appointment with the GP can do so. The GP will decide if the young person is a mature minor with respect to the issue for which they are seeking medical treatment. The assessment as to whether a young person is a mature minor may vary for different issues. For example, a GP may decide a young person is mature enough to be able to consent to treatment for a health condition such as asthma, but may not be mature enough to discuss the risks and benefits of anti-depressant medication.

If a GP determines that your child is not a mature minor, they will obtain your consent before medical treatment is provided.

### CAN I COME TO THE APPOINTMENT WITH MY CHILD?

Yes, parent or carer involvement is encouraged and the program recognises that as parents or carers you are an important source of information and support for your child in managing the issue for which they are seeing the GP.

### WHAT IF I DON'T WANT MY CHILD TO SEE A GP?

You are encouraged to discuss this with your child and with the school. Generally, all secondary school aged students will be considered mature enough to make a decision to see the GP and the GP will then decide whether the student is a mature minor for the purposes of seeking medical treatment for the presenting issue. This principle

applies just the same if your child was seeing the doctor in a local community general practice.

#### **WILL THE GP INVOLVE ME?**

There will be many circumstances where it is desirable or necessary for you to be involved.

If your child is not a mature minor, the GP will involve a parent or carer or another responsible adult.

If your child is assessed as a mature minor by the GP, the GP may see your child alone for the treatment of their issue, however the GP will often encourage your child to involve you in their care. This approach helps build confidence and responsibility in young people as they grow into young adults, while balancing the need to respect your child's emerging right to confidential health care with your reasonable expectation about being involved in your child's health care.

#### **UNDER WHAT OTHER CIRCUMSTANCES WILL I FIND OUT ABOUT MY CHILD'S GP VISIT?**

If the GP has determined that your child is considered a mature minor for the medical treatment being sought, their health information must be kept confidential and cannot be disclosed unless it is with your child's consent or the disclosure of the information is otherwise permitted or required by law.

The following are examples of when disclosure of health information is permitted or required by law:

- Your child consents to the disclosure.
- The disclosure is necessary to prevent a serious threat to public health, safety or welfare – e.g. the young person has a disease which must be notified to the Department of Health and Human Services.
- The disclosure is necessary to lessen or prevent a serious and imminent threat to any person's health, safety or welfare.

#### *Examples:*

- The young person is at imminent risk of harming themselves.
- The young person is at imminent risk of harming others.

In accordance with these privacy obligations, school staff will not disclose when your child has accessed the GP

unless it is with your child's consent, or there are some other legal reasons for the disclosure of this information.

#### **WHEN CAN MY CHILD GET THEIR OWN MEDICARE CARD?**

Young people can apply for their own Medicare card when they turn 15 years of age. They need to complete an application form and provide identification, such as a student card or birth certificate, as well as details about the card they are transferring from.

#### **WHERE WILL MY CHILD'S MEDICAL RECORD BE KEPT?**

The medical records will remain the property of the participating GP's base clinic.

#### **CAN THE GP REFER MY CHILD TO OTHER HEALTH SERVICES IF THEY NEED IT?**

Yes. It is anticipated that referrals will be an important part of this program. The school program lead and nurse will work with the GP and your child to help support them if any referrals are required. In certain cases, you may also be consulted and involved in these referrals.

#### **WHAT IF MY CHILD ALREADY HAS A GP?**

If your child has an existing GP but would prefer to see the GP at their school, your child's medical records can be transferred. This reflects what is currently undertaken in the broader community. This is important and encouraged, so that continuity of care is promoted across all the health providers a young person sees.

If your child is mature minor, they can consent to the transfer of their medical records.

If your child is not a mature minor, you can consent to the transfer of your child's medical records.

#### **WHAT SERVICES WILL THE GP BE PROVIDING?**

The GPs participating in the Doctors in Secondary Schools program will provide young people with the same services as those GPs in the community, including management of physical health, mental health, and sexual and reproductive health issues.

For more information please visit:

<http://www.education.vic.gov.au/about/programs/health/pages/doctors-secondary-schools.aspx>

or email Doctors in Secondary Schools at:

[doctors.in.schools@edumail.vic.gov.au](mailto:doctors.in.schools@edumail.vic.gov.au) with any questions.