

PROFESSIONAL PRACTICE SCENARIO

I'M PREGNANT, PLEASE DON'T TELL MY MOTHER!

An RD working in a family health team has been seeing a 15-year-old female client for weight loss counselling. During the first two visits with the RD, the client's mother was present and a treatment plan was established. The client has since attended the last two appointments alone and the RD is confident that the client has the capacity to understand and apply the information that is being relayed during the nutrition counselling sessions.

During the client's most recent visit she told the RD: "I'm pregnant, please don't tell my mother!" The following day, the mother calls the RD to receive an update on how her daughter is doing. Is the RD able to talk to the mother regarding her daughter's progress? Does the RD have a responsibility to inform the mother of her daughter's pregnancy?

As the *Health Care Consent Act* (1996) specifies, there is no minimum age of consent.¹ In this scenario, if the RD is confident in the client's capacity to consent to treatment and to the collection, use and disclosure of personal health information, then the RD must respect the client's wishes and keep the pregnancy confidential. In fact, unless the client clearly expressed her consent for the RD to correspond with the mother about her progress, the RD would not be permitted to discuss any matters pertaining to her treatment.

The College's *Professional Misconduct Regulation* (1991), states that it is misconduct for RDs to, "Give information about a client to a person other than the client or his or her authorized representative except with the consent of the client or his or her authorized representative or as required or allowed by law."⁴ While parents often feel they have a right to know about their children's progress and treatment plan (especially if they are paying for the services), RDs must follow the law. In this scenario, the RD would not be permitted to inform the mother of her daughter's pregnancy, and would only provide an update of the daughter's progress with expressed client consent.

The College recognizes that many RDs are mothers. When faced with ethical situations such as this one, an RDs belief system may clash with what is required by law. While RDs may morally and ethically feel that the mother should be informed about her daughter's pregnancy, they need to put aside their personal beliefs and respect their client's wishes to keep the pregnancy confidential. Ultimately, RDs need to follow the law, and the law clearly states that the daughter has the right to determine how her personal health information will be collected, used and disclosed.

WHAT CAN BE DONE?

It would certainly be appropriate for the RD to discuss with her client the concerns about keeping her pregnancy confidential, and to respectfully try to persuade her to discuss the pregnancy with her mother. As pregnancy requires prenatal health care outside of the scope of practice of dietetics, it would also be advisable that the RD refer her client to see her primary care physician. The RD might also refer her client to other support services with the client's consent.

NEED TO KNOW

- Consent must be informed;
- Consent is based on client-capacity;
- There is no minimum age of consent;
- Clients are assumed to be capable and may be assessed only when there is reason to doubt it;
- Capacity to consent can change;
- Client consent is needed for the collection, use and disclosure of personal health information; and
- Client consent can be withdrawn at any time.

1 Health Care Consent Act, (1996). Available from: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_96h02_e.htm#BK19

2 Richard Steinecke & CDO. (September 2011). Jurisprudence Handbook for Dietitians in Ontario, Chapter 7: Consent to Treatment. Available from: <http://www.cdo.on.ca/en/pdf/Publications/Books/Jurisprudence%20Handbook.pdf>

3 Professional Misconduct Regulation, (1991). Available from: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_930680_e.htm

4 Professional Misconduct Regulation, (1991). Available from: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_930680_e.htm