

# Consent, confidentiality, and privacy

Thompson Clinic CPD

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# Learning Objectives

1. Describe the criteria for determining a mature minor, and how to apply them in the clinical context
2. Define the limits of confidentiality, how to attend to confidentiality in daily interactions, and discuss the challenges of interacting with law enforcement
3. Describe an approach to preserving privacy and dignity for patient examination



# Case 1

- A 16 year old female arrives at the clinic for a scheduled appointment by herself. She discloses that she has recently started a sexual relationship with a same age peer. She is asking to be started on an oral contraceptive and is asking that her parents not be notified.



# Mature Minor - CMPA

- Does “... their physical, mental, and emotional development allows for a full appreciation of the nature and consequences of the proposed treatment or lack of treatment”
- “In discussions with the child, the physician should be reasonably confident that the child understands the nature of the proposed treatment and its anticipated effect. The child should also understand the consequences of refusing treatment.”



# Mature Minor

- What about their age?



# Mature Minor

- What about their age?
- What about the treatment?



# Mature Minor

- What about their age?
- What about the treatment?
- What about procedures/emergency situations?



## Case 2

- A 42 year old patient arrives at the clinic and is very upset. He just heard from WCB that some of his benefits are going to be decreasing. He accuses you of sending them information about his back injury without his consent. He further states that "everyone in town" seems to know about his work-related injury. The pharmacist asked about his injury when he got his medications filled out, and when he ran in to the clinic receptionist at the store, she asked about the injury and how he was doing.





# Confidentiality

- Professional and legal mandates to keep patient information confidential
- BUT – lots of exceptions
  - child abuse/neglect, abuse of persons in care, unsafe drivers, reportable diseases, gunshot/stab wounds, vital statistics, certain deaths, critical incidents, risk of very serious harm



# Grey zones

- Insurance reports
- Manitoba Public Insurance
- Workers Compensation Board



# Grey zones

- Enabling legislation
- Share only relevant information
- Still need to know where information is going and why
- Communicate directly with the organization for clarification
- Need to respond to requests in a timely manner



# Confidentiality

- What about the pharmacist?



# Confidentiality

- What about the pharmacist?



# Confidentiality

- What about the receptionist?



# Confidentiality

- What about the receptionist?



## CONFIDENTIALITY / NONDISCLOSURE AGREEMENT

During my employment with the \_\_\_\_\_, I acknowledge that I will be given access to patient information that is deemed sensitive and/or confidential.

I agree that:

- I shall not share this information, material or documents (information) with persons within or outside of the \_\_\_\_\_ who are not authorized to have this information.
- I shall not publish such information.
- I shall not communicate such information without authority.
- I shall not use or disclose any such information for other than authorized official purposes.
- I shall not remove any such information from the premises without permission.
- Should I receive any such information, I will accept full responsibility to ensure the confidentiality and safe-keeping of this information.
- I shall take every reasonable step to prevent unauthorized parties from examining and/or copying any such information.

I understand that these rules apply both during and after my employment with \_\_\_\_\_ and that any infringement by me of these rules may be grounds for the termination of my employment and / or legal action.

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Reset



## Case 3

- You are working in the emergency department when RCMP come in with a patient who has been assaulted. They ask to remain in the room while you are treating him. After you step out of the room, they approach you and ask if he is intoxicated and request a list of his injuries.





# Interacting with police



- Should - general condition
- Should not – specific information without consent

## Case 4

- You are a female physician and a female patient presents with lower abdominal pain and a recent history of a new sexual partner. You believe she needs a pelvic exam and you explain this to her. You ask your receptionist to step in to the room to help, and the patient states that she is uncomfortable with some one else in the room during the exam.



# Examinations and chaperones

- Increasing numbers of complaints, and increasing consequences
- Recommend chaperone for all sensitive exams – including pelvic, rectal, testicular, breast
- Need patient consent for chaperone
- Important to explore the reasoning
- If patient declines – need to consider reasoning, urgency of examination



# Intimate examinations

## Intimate examinations

To minimize misunderstandings during intimate procedures or examinations:

### Have you:

- Made efforts to acquire cultural, ethnic, and gender-respectful knowledge to support your therapeutic relationship?
- Notified patients at the time of booking about a sensitive examination (e.g. a pelvic exam) and of your willingness to accept a chaperone?
- Reviewed your College and hospital policies concerning providing a chaperone and offered to provide a chaperone?
- Explained why you are asking questions pertaining to sexuality?
- Explained the purpose and nature of an intimate examination?
- Ensured that sexual histories are:
  - relevant to the clinical situation?
  - performed in a sensitive manner?
- Respected the patient's right to privacy by:
  - providing appropriate draping?
  - leaving the room when the patient undresses?
  - only exposing areas of the body necessary for the assessment?
- Documented a chaperone's presence and the patient's consent or refusal in the medical record?
- Obtained a patient's express informed consent for a sensitive procedure or examination by asking if it is ok to proceed?
- Told the patient you will stop the examination upon request?
- Documented any steps taken to minimize a patient's discomfort with an examination or procedure?

[Collapse section](#)

CMPA Good Practices Guide

[umanitoba.ca](http://umanitoba.ca)



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# Summary

- A mature minor appreciates the nature and consequences of treatment (or non-treatment)
- Special care should be taken with younger children, and complex or serious problems
- Urgency may also play an important role



# Summary

- The whole office needs to be very careful with patient's health information. Any sharing of information needs clear authorization
- Police do need general information, but protect privacy and avoid specifics
- Chaperones are recommended for all sensitive exams, and should be negotiated with patients





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