

## **Child consent to a vaccine (01HDC02915, 6 March 2002)**

*General practitioner ~ Information about treatment ~ Informed consent ~ Rights 7(1), 7(2)*

Under New Zealand law, parents opposed to immunisation can choose not to have their children vaccinated. However, general practice staff may be faced with the vexed question of deciding when a young person is old enough to make his or her own decisions about health issues such as vaccination. What sort of information do young people need, and at what age is a child capable of giving informed consent?

A 14-year-old boy sustained an open wound and a swollen face during an incident at school. He was taken to a medical centre where he was seen by a long-term locum GP and a practice nurse. The locum treated the injuries and decided the boy needed a tetanus shot; he had not had a tetanus vaccination for more than ten years, although he had received vaccinations as a baby without side effects.

The locum explained that because of the “dirty” wound the boy was at risk of tetanus and therefore required a vaccine for tetanus prevention. The locum asked whether the boy’s parents could be contacted and was told that neither was available. The locum’s standard practice was to administer tetanus prophylaxis and a dose for diphtheria during the initial consultation, in case patients do not return for follow-up treatment.

In answer to questions about whether the injection would hurt, the practice nurse told the boy it would. The locum advised that he usually informs patients that there is a dose of diphtheria with the tetanus vaccination, and that the injection may cause some swelling and, in rare cases, headaches and high temperatures.

The medical notes did not record that the boy had any allergies to vaccines and there were no notes on the computer records about why he had missed an earlier vaccination. Parental opposition to vaccinations is usually clearly noted on patient records, but there was no such record on the boy’s file. Both the practice nurse and the locum confirmed that the boy did not tell them his mother opposed vaccination.

When she found out what had happened, the boy’s mother was very unhappy. She complained that both the locum and the practice nurse did not obtain consent from herself or the boy before giving the vaccination. She was concerned that he had a history of allergies and that the locum had not respected her rights as a mother, and stated that he could easily have telephoned her for clarification.

The boy said that he told the locum he had been immunised “last time when I was a baby probably because my Mum’s not into that sort of thing, she’s into homeopathic stuff”. Asked why, the boy replied that the locum would have to ask his mother. The boy said that “he did not know what to decide for himself” and felt sure the locum should have telephoned his mother. However, the boy said he knew he was receiving an injection to “fight off tetanus” and understood that tetanus was a “disease” which “was not a good thing” to have because “you get real sick”.

Two questions required consideration: did the locum and the practice nurse adequately inform the boy about his condition and treatment options, and was he “competent” to consent to treatment?

The boy was told that the vaccine was needed to “fight off tetanus”, and that tetanus could make him “real sick”. He also understood that the injection contained a dose of

diphtheria and that the vaccination would hurt. The practice nurse also told the boy about possible side effects. This was the essential information that a reasonable patient could expect in his situation.

It was held that at age 14, the boy was well able to understand basic medical information and give consent to the vaccination. There was no evidence the boy did not understand the information he was given. Although he stated that his mother was not “into” immunisation, he told the locum his mother was out of town and unable to be contacted. He did not indicate that he felt unable to make a decision without his mother’s approval. In these circumstances it was held that the boy had given a valid consent to the vaccination.