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Confidential Health Care for Adolescents and Young Adults (12-24 years)

Position Statement

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Acknowledgements

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About The Royal Australasian College of Physicians (ACP)

The RACP trains, educates and advocates on behalf of over 18,800 physicians and 8,800 trainee physicians, across Australia and New Zealand. The RACP represents a broad range of medical specialties including general medicine, paediatrics and child health, cardiology, respiratory medicine, neurology, oncology, public health medicine, infectious diseases medicine, occupational and environmental medicine, palliative medicine, sexual health medicine, rehabilitation medicine, geriatric medicine, and addiction medicine. Beyond the drive for medical excellence, the RACP is committed to developing health and social policies which bring vital improvements to the wellbeing of patients.

Executive Summary

A number of different terms are currently used in the medical literature when referring to adolescents and young adults (AYA). These include young adults, young people and youth.

This position statement is aimed at all primary, secondary and tertiary care physicians and paediatricians who consult with adolescents and young adults. The aim of the policy is to ensure that, where appropriate, confidentiality is assured to adolescents and young adults in order to enhance their access to health care, their engagement with health professionals, and their health outcomes.

This position statement is not a “how to” guide but should be read in conjunction with other RACP policy papers of relevance to adolescents and young adults (e.g., Routine Adolescent and Young Adult Psychosocial and Health Assessment) and those that relate to ethics and professional conduct (including medical council statements and guidelines).

Recommendations

1. Health care professionals and others who they supervise or work with such as receptionists and hospital administrators should ensure that they are knowledgeable about the ethical and legal frameworks that support the provision of confidential health care to adolescents and young adults in their jurisdiction.
2. Health care professionals should ensure that state or national laws that support the provision of confidential health care for adolescents and young adults are put into practice, regardless of the clinical setting.
3. When adolescents or young adults are accompanied by parents or carers, health care providers should consider consulting with the adolescent or young adult alone for part of each consultation.
4. Health care professionals must assess the competency of an adolescent or young adult to give consent for sharing of information with others.
5. Health care providers regularly review their administrative procedures such as scheduling, billing, patient reminders and clinical record keeping (including access to electronic medical records and patient portals) to ensure that the confidentiality and privacy of adolescents and young adults is protected.
6. Health care professionals support respectful communication between adolescents and young adults and their parents or guardians, taking into consideration the diversity of the adolescent or young adult’s family and cultural backgrounds.
7. The RACP advocates for the rights of adolescents and young adults to confidential health care within the context of families, communities, governments and legal systems.

8. Australian health care providers are encouraged to advise adolescents and young adults that, in line with Australian law, they can obtain their own Medicare card once they turn 15 years of age; and in Aotearoa New Zealand that they can independently enroll in primary care at 16 years of age.

Background

The ethical principle of confidentiality lies at the core of the doctor-patient relationship. In early childhood, parents are for the most part responsible for their children's health care. As children mature through adolescence, they gradually acquire an increased capacity for decision-making and for taking responsibility for their health. This is typically accompanied by a greater desire for privacy. As with other competent adults, competent adolescents and young adults also have the right to confidential health care.

The 2012 Youth Survey in Aotearoa New Zealand showed that among high school students who had accessed health care in the last 12 months, only one-third reported having the chance to talk with a doctor or other health professional in private and only 45% had been assured that their health care services would be confidential.¹

Evidence suggests that concerns about confidentiality can act as a barrier to accessing health care services, particularly in relation to aspects of sexual health care, mental health care and substance use.² Nearly 1 in 5 adolescents and young adults report having foregone health care because of concerns about their parents finding out.³ Adolescents and young adults are also more likely to disclose information about behaviours that involve health risk and are more likely to return for review if they know that their concerns will not be revealed to their parents or others.⁴ Importantly, 60% of adolescents and young adults reported they would stop using sexual health services or delay seeking testing or treatment for sexually transmitted infections were their parents notified.⁵

Confidentiality is an ethical and legal right for an adolescent or young adult patient who is sufficiently competent to make their own medical decisions.^{6,7} The exceptions to this are broadly similar to those for adult patients. These are:

1. The adolescent or young adult consents to disclosure.
2. The adolescent or young adult is at risk of harm or of harming others:
 - a. They are at serious risk of self-harm
 - b. They are at risk of or the victim of physical or emotional abuse
 - c. They are at imminent risk of harming others
 - d. Some disorders such as psychosis, may need special consideration about the risk of harm and therefore the need to inform others.
3. Legal requirement for disclosure
 - a. Court proceedings
 - b. Notifiable diseases
 - c. Blood testing for alcohol or other drugs

4. It is necessary for the adolescent and young adult's well-being:
 - a. Urgent communication in an emergency
 - b. Communication between members of a treating health care team.

There is a balance to be achieved between an adolescent or young adult's right to confidential health care and a parent's right to be informed. It can be argued that the law is more protective of ensuring adolescents and young adults' access to confidential health care than it is of promoting parents' access to information about their children's health. However, it is important to appreciate that applying the principles of confidentiality in consultations with adolescents and young adults can be achieved while simultaneously encouraging adolescents and young adults to share important information with their parents, where appropriate. In many cultures the importance of the wellbeing of the family unit must be considered. Health practitioners need to be aware of these cultural needs and should discuss them with adolescents and young adults.

Australian states and territories and Aotearoa New Zealand have slightly different laws in relation to privacy, confidentiality and mandatory reporting.^{6,7} In Australia, adolescents and young adults are able to apply for an individual Medicare card from the age of 15 years and in Aotearoa New Zealand can enrol themselves in a primary care practice at 16 years. Likewise, different regulations and practices exist with respect to access to electronic patient records and patient portals, and practitioners need to proactively manage this to facilitate patient confidentiality.

Principles

As adolescents and young adults mature, they desire and deserve greater privacy in all matters including health care.

The provision of confidential health care underpins the provision of quality care to adolescents and young adults. It is important in the development of a trusting relationship between an adolescent or young adult and a clinician and provides the context in which effective assessment, screening and therapeutic interventions can occur, such as routine psychosocial assessment.²

The provision of confidential health care is an ethical and legal right for competent adolescents and young adults.

Competence is determined by clinical judgment of the adolescent or young adult's stage of development and their ability to understand what is being discussed, in the context of the relevant local or national legislation. It is primarily a clinical decision.

There are specific situations in which confidentiality might need to be broken. These situations include but are not restricted to: danger of being harmed; danger of harm to themselves; or danger to others.

Positive, empathic and supportive relationships between adolescents and young adults and their parents or caregivers support healthy development and promote resilience. Health

professionals will always be mindful of the family, school, community and cultural context of the adolescent or young adult with whom they are consulting.

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