

Respiratory Virus Season – Informed Consent

The need to obtain informed consent prior to an immunization is based on the principle that a patient is autonomous and has the right to determine what happens or does not happen to them. Information, comprehension and willingness to participate (voluntarily) are fundamental elements of the informed consent document.

Note: where the term patient is used, it shall be interpreted as referring to patient, resident, or client.

DEFINITIONS AND IMPORTANT TERMS

Age of Capacity	The Manitoba <i>Health Care Directives Act</i> states, in the absence of evidence to the contrary, it shall be presumed for the purpose of the Act (a) that a person who is 16 years of age or more has the capacity to make health care decisions; and (b) that a person who is under 16 years of age does not have the capacity to make health care decisions.
Child in Care	A child who is under the care of a Child & Family Services Agency (CFS) and for whom CFS is the legal guardian that is able to provide consent on behalf of the child. CFS may choose to consult with the child's biological parent(s).
Consent	Permissions for something to happen or be done.
Exercising one's own rights	Includes Consent to, or refusal to Consent to, assessments and/or treatments; Consent to, or refusal to Consent to the collection, use and disclosure of personal information and personal health information or other consents as may be required (i.e., photograph).
Mature Minor	A mature minor is an individual, under the age of 18 years, who has the capacity to fully appreciate and understand the nature and consequences of a proposed health assessment and/or treatment and who can give informed Consent. Whether a child is a mature minor is not based on age but on their capacity to understand. If a minor has this capacity, the minor's informed Consent is both necessary and sufficient. Consent of a parent is not required, nor can it override the minor's decision.
Non-custodial Parent	Under <i>The Family Maintenance Act</i> , unless a court order states otherwise, a non-custodial parent retains the same right as a custodial parent to obtain medical reports related to their child. This right is limited to be provided with information only and does not give the non-custodial parent any right to be consulted about or participate in making decisions for the child.
Regulated Health Professional	Health care provider who is licensed/registered with the governing Body of a Registered Health Profession, and for whom immunization is within their scope of practice i.e., nurse (RN or LPN), physician assistant, physician, midwife and nurse practitioner.
Substitute Decision Maker	An individual appointed by the Vulnerable Persons' Commissioner to make decisions for a vulnerable person who is unable to make certain decisions for him or herself.
Temporary Custody	A person who has temporary custody of a minor (i.e., foster parent, teacher or babysitter) has no authority to act as an alternate decision maker unless they have received written authorization from the parent or legal guardian.

INFORMED CONSENT AND VACCINATION

- As all vaccine programs are voluntary, confirmation of informed Consent is needed either verbally or in writing.
- Informed Consent to Vaccination includes understanding of and Consent to the following:
 - Disease(s) being prevented
 - Benefits of vaccination
 - Risk of not getting immunized (risk of acquiring the disease)
 - Details regarding vaccine route and schedule
 - Common side effects and their management
 - Possible serious or severe adverse events, their frequency, how and when to report
 - Contraindications
 - Information in the product monograph and/or Manitoba Health Seniors Care vaccine fact sheet
 - Immunization documentation in the provincial immunization registry PHIMS
- Document Consent in appropriate location. This could include:
 - Patient health record
 - Immunization form
 - Child Health Record
- Child health clinics/well child clinics
 - Consent maybe implied when a parent/legal guardian makes an appointment for their child on a voluntary basis. A signed paper consent form is not required. Documentation of verbal Consent is made on the Child Health Record along with direct entry into PHIMS.
- Immunization clinics
 - Adults
 - Presentation to immunization clinics is voluntary. If not documenting directly into PHIMS, obtain written consent on the Seasonal Influenza Consent Form.
 - If the adult is not competent to provide informed Consent, obtain Consent from the person authorized to provide Consent (i.e., proxy, public trustee, Substitute Decision Maker or other alternate decision maker).
 - Minors
 - Parents/legal guardians bring their child to immunization clinics on a voluntary basis. If not documenting directly into PHIMS, obtain written Consent from the parent/guardian on the Seasonal Influenza Consent Form.

- Mature Minors
 - Mature Minors can provide informed Consent for immunization without a parent/guardian, provided the physician or nurse assesses and reasonably believes the patient as having a full understanding of the nature, consequences, risks and benefits of immunization.
 - When not directly documenting into PHIMS, obtain written consent on either the Child Immunization Form or the Seasonal Influenza Consent Form.
- Child in Care
 - Informed Consent must be obtained from the legal guardian of a Child in Care as per *The Child & Family Services Act* of Manitoba.
 - It is the foster parents' responsibility to forward the consent form to their designated social worker to be signed by the legal guardian (i.e. social worker or biological parent).
- Additional information regarding obtaining informed Consent can be found in:
<https://www.manitoba.ca/health/publichealth/cdc/protocol/consentguidelines.pdf>