

Informed consent for child receiving vaccines (01HDC12269, 18 September 2002)

*General practitioner ~ Immunisation of child ~ Competence to consent ~
Consent of guardian ~ Rights 4(2), 7(1), 7(2)*

A complaint about a general practitioner was made by a guardian of a 10-year-old girl. The complaint was that the GP administered or authorised the administration of polio and measles, mumps and rubella (MMR) vaccines to the girl: (1) without obtaining the informed consent of her mother, one of her legal guardians; (2) without sufficient knowledge of the girl's medical history; and (3) when it was inappropriate for a 10-year-old to be administered an oral polio vaccine.

The girl was being cared for by her grandmother, and was accompanied to the surgery by the girl's aunt. The aunt, claiming to be the girl's guardian, gave the GP a letter from the girl's grandmother giving the GP permission to "see" the girl.

The Commissioner reasoned that:

- 1 there were reasonable grounds for the GP to believe that a 10-year-old girl was not competent to make an informed choice and give informed consent to immunisation;
- 2 the GP was therefore obliged to obtain the consent of a parent/guardian;
- 3 the law does not require that providers obtain the consent of both parents/guardians to treat children who are not competent to make their own decisions; and
- 4 although the GP was probably unaware that the girl's father had consented to the immunisations, the GP made reasonable efforts in the circumstances to ascertain the wishes of a guardian or the person he reasonably thought was the guardian.

It was appropriate for the GP to authorise the administration of the MMR and polio vaccines concurrently as this complied with the recommended schedule in the Immunisation Handbook and occurred within an acceptable time frame. As written records are frequently not available in general practice it is acceptable to receive verbal information from the caregiver about the immunisation history of a patient.

The Commissioner held that:

- 1 the GP did not breach the Code in his provision of services when he authorised the administration of the oral polio vaccine; and
- 2 the GP did not breach Right 4(2) of the Code by authorising MMR and polio vaccines to be administered concurrently or by authorising the immunisation without checking the girl's medical records.