

The law and your health



The law and your health

People in Canada have rights as patients or when they get health care. You may have rights to privacy and rights to some services. You should know that doctors may have to report some health issues you face even if you don't want them to.

In this section we talk about

- ▶ how your maturity affects your rights
- ▶ your privacy rights
- ▶ what doctors must report if they see it
- ▶ your right to mental health treatment

ARE YOU A MATURE MINOR?

A minor in Nova Scotia is someone under 19 years old. You are not legally an adult, and you usually need an adult, like your parents or a guardian, to agree to health care treatment. But you do not always need your parent or guardian's permission. Some people mature faster than others, so the law lets doctors, pharmacists, nurses and other healthcare providers decide if you can consent to medical care if you are a minor.

If you are mature enough to make your own healthcare decisions, you are called a "mature minor." Some people might be mature enough at 12, while others might not be mature enough at 16. Your healthcare providers will decide whether you are a mature minor based on how well you understand:

- ▶ your health problem
- ▶ the reason you are getting treatment
- ▶ what could be good or bad if you say yes or no to treatment

Any medical or health care treatment can help you or hurt you. This is called the benefits and risks of treatment. Side-effects are an example of how medicine can hurt you. For example, if you are getting an operation, your doctor will make sure you understand how successful the surgery can be and what could go wrong, like the chance of infection.

Whether you are a mature minor may change depending on the situation. This includes things like:

- ▶ how complex your healthcare problem is
- ▶ the type of treatment you will get
- ▶ how high the risks are



For example:

Marcus is 17. He broke his wrist during a tricky parkour move that went sideways. Literally. At the Emergency Room, the doctor believed he was mature enough to agree to getting a cast. He might not be considered mature enough to say yes or no to a life-or-death decision or if his doctor believed that refusing a scary treatment would seriously harm his health.



PRIVACY AND YOUR HEALTH INFORMATION

Treatment and care

If you are a minor, you can use health care services in Nova Scotia on your own if you have a health card or health card number. But what about privacy when you are a minor? You may not want your parent or guardian to know that you are going somewhere for treatment, such as a hospital, sexual health centre, or walk-in clinic.

If you feel this way, tell the doctor, nurse, pharmacist, or other health care provider that you want this information to be private. They must report if they think you are in danger, but they will do their best to keep your information private while they help you get well. If you have given them consent to share your health information with your parents in the past, you can change your mind at any time.

There is an important exception to this. Every hospital has its own policy on abortions, and that includes how they treat your privacy. If you go to a hospital for an abortion, you should ask what their policy is on telling your parents about your decision.

You do not need permission from a parent or guardian to use these health care services:

- ▶ birth control
- ▶ gender-affirming services
- ▶ mental health services
- ▶ treatment for drug or alcohol abuse
- ▶ treatment for sexually transmitted infections (STIs)

Using health insurance

If you use your parent's or guardian's health insurance to help pay for your treatment, the insurance company may have your personal health information. This means that your parent or guardian may see the services you used if you ask the insurance company to pay for the services or pay you back for services. This is called making an insurance claim.

Many insurance companies want the person who owns the policy to put in claims, and that would be your parent or guardian. The insurance company and your parent or guardian will be able to see the information you give them for the claim, like receipts for your treatment.

If you are hurt in an accident (like a car accident), your parent or guardian may sue to help pay for your medical treatment or for any time you or they miss from work or school to help you recover. They would sue the person who was responsible for the accident. If they do, you may have to give a statement or information about your injuries. Your lawyer, insurance company, or a court may need to know about your injuries to decide how much money is fair for you.

If you decide to let your doctor share your medical information, you can tell your doctor and your lawyer about how they can use this information and who is allowed to see it. If your medical record includes information unrelated to your case, you can ask them to not share that information. The court calls this "redacting" your file.

Things a health care provider must report

Your doctor must report certain things they notice even if they believe that you are mature enough to make your own healthcare decisions. There are some things that they cannot keep private even if you want them to. They must report if they believe you are in danger or that you are a victim of abuse. Abuse can include physical abuse, emotional abuse, sexual abuse, or neglect. Once your doctor tells the government about this, social workers will check into the report and decide what to do.

If you are a victim of a crime

If someone abuses you or assaults you, that could lead to criminal charges. In that case, you may have to be a witness in the trial. You have the right to speak with a lawyer about what will happen in court. Your past medical history or sexual activity can't be used in court to say that you were at fault for what happened or that you were asking for it.

If you are the victim of a crime, you can also ask for support from Victim Services. Nova Scotia's provincial Victim Services program helps victims of crime. This may include giving money for counselling or therapy, helping with transportation costs to go to court, or sending a support person to court with you. The Child Victim/Witness Program helps minors who are victims or witnesses of a crime. You can find contact information for Victim Services at the end of this chapter.



MENTAL HEALTH TREATMENT

You can use mental health services even if your parent or guardian does not agree. You can find contact information at the end of this section.

If a doctor thinks that you might hurt yourself or others, they may say that you need treatment even if you do not agree.

If you are a minor or can't make your own decisions, someone else might make decisions for you until you can make your own decisions. This person is called a substitute decision maker.

Your doctor or other health care provider will ask your closest family member or guardian to be your substitute decision-maker. If that person can't or won't do it, they will ask other people, including:

- ▶ a guardian the court names for you
- ▶ a grandparent
- ▶ an aunt or uncle
- ▶ other relatives
- ▶ Nova Scotia's Public Trustee

The Public Trustee is a Nova Scotia government office that helps people who cannot make important legal decisions for themselves.

If you are **over 19** and your doctor says you must have mental health treatment, the hospital will assign a Patient Rights Advisor to help you. This person helps patients understand their rights and makes sure that your doctors act in a way that respects your rights. A Patient Rights Advisor can help patients get legal advice or to apply to have experts review your case. These experts are called a Review Board.



Resources

Criminal Injuries Counselling Program

- ▶ 1-888-470-0773

General health services

- ▶ Health Link: 811
- ▶ Help for Hearing impaired: 711

NS Child Victim/Witness Services

- ▶ 1-888-470-0773

NS Victim Services (adult)

See https://novascotia.ca/just/victim_services/contact.asp for contact information for your regional Victim Services office.

NS Legal Aid

Halifax Region (Youth Justice Office)

- ▶ (902) 420-7800
 - ▶ Email: hfxyouth@nslegalaid.ca
- In person: Suite 401, 5475 Spring Garden Road, Halifax.

Outside Halifax Region

- ▶ [Local Nova Scotia Legal Aid Offices](#)

MENTAL HEALTH SERVICES FOR CHILDREN AND YOUTH

IWK Health Centre

- ▶ 1-855-922-1122
- ▶ iwk.nshealth.ca/mental-health

You can also ask your doctor, other health care professionals, or community agencies familiar with your concerns to refer you to the IWK.

Healthy Minds Cooperative

- ▶ (902) 404-3504

Mental Health Mobile Crisis Team (offers telephone support province-wide)

- ▶ (902) 429-8167
- ▶ Toll-free: 1-888-429-8167

Provincial Mental Health and Addictions

- ▶ mha.nshealth.ca/en
- ▶ Crisis line: 1-888-429-8167

Self Help Connection

- ▶ (902) 466-2601

SEXUAL ASSAULT CENTRES

Avalon Sexual Assault Centre

- ▶ Halifax: (902) 422-4240
- ▶ Crisis line: (902) 425-0122

Colchester Sexual Assault Centre

- ▶ Truro: (902) 897-4366

SEXUAL HEALTH SERVICES

- ▶ Amherst Sexual Health Centre: (902) 667-7500
- ▶ Bridgewater Sexual Health Centre: (902) 527-2868
- ▶ Cape Breton Centre for Sexual Health: (902) 539-5158
- ▶ Halifax Sexual Health Centre: (902) 455-9656
- ▶ IWK Health Centre: Women's Clinic: (902) 470-8888
- ▶ Pictou County Centre for Sexual Health: (902) 695-3366
- ▶ Sheet Harbour Sexual Health Centre: (902) 885-2789
- ▶ Yarmouth Centre for Sexual Health: (902) 742-0085