

KNOW YOUR RIGHTS

*Sexual and reproductive
health and the doctor's office.*

WHAT IS THIS?

This pamphlet was created by the Lunenburg County Sexual Health Centres to help you understand your legal rights concerning sexual and reproductive health, and issues that may arise at the doctor's office.

We have done our best to make sure the information is accurate and useful. **However, we aren't lawyers so it shouldn't be considered legal advice.** If you do need legal advice, we've included a list of resources in on the last page of this guide.

We believe that you have the right to education, knowledge, choice, health care and safety. In an ideal world, these rights would be upheld by every health care practitioner and educator that you meet, but that isn't always the case. Therefore, it's important to know your rights, so that you can stand up for them if you have to.

We hope that this pamphlet is a useful resource for you. Please feel free to contact us if you have any questions or want to give us feedback about this information.

MY RIGHTS & RESPONSIBILITIES

The College of Physicians and Surgeons of Nova Scotia outlines the rights and responsibilities of a patient. The College is responsible for regulating the medical profession (making sure the law is followed), and handling any complaints against doctors.

As a patient, you have the right to:

- Be treated with respect.
- Expect confidentiality be maintained, unless their doctor explains why it has to be broken.
- Expect their doctor not to take physical, emotional, sexual or financial advantage of them.
- Refuse an examination or treatment or withdraw consent without obligation or harassment.
- Be kept informed, if possible, of major delays in obtaining consultations or treatments.
- Know if there are colleagues with whom their doctor will discuss their case receive appropriate referrals.
- Request a second opinion.
- Be listened to carefully and supportively regarding their concerns
- Have another person present during examinations.

As a patient, you have the responsibility to:

- Respect the privacy of other patients, doctors and staff.
- Ask the doctor for further information if they do not understand let their doctor know if they feel uncomfortable during an examination or treatment.
- Cooperate and follow recommended treatment as long as they agree, and inform their doctor when they don't
- Notify their doctor or staff if they are unable to keep an appointment.
- Allow their doctor to have a staff member present during an examination.

YOU HAVE THE RIGHT

To be given information about your health and medical procedures.

To be told how your personal information will be used and shared.

To not be abused, harassed, or violated by your health care practitioner.

To be respected.

To ask questions, and receive answers.

To access healthcare

To make your own choices about sex, birth control, pregnancy, and relationships free from coercion, exploitation or violence.

WHAT DOES IT MEAN TO BE A

MATURE MINOR

In Nova Scotia, while the age of majority is 19, there are different rules for how old you have to be to consent to medical treatment. NS has something called "mature minor" legislation that allows people under 19 to consent to medical treatment so long as your health care provider believes that you have the capacity to make decisions, and to understand the procedure, it's consequences and it's benefits. If you meet this requirement you can consent to a procedure without your parent's permission.

The trick is that this isn't a blanket statement. A doctor may think that you are mature enough to consent to having a cast put on your broken arm without your parent's permission, but may not think that you're old enough to consent to an abortion.

WELL THAT SEEMS CONFUSING . . .

* It definitely can be confusing! Remember that you have the right to ask your health care professionals questions about this. You can also seek out a second opinion if you feel that your doctor is treating you unfairly on the basis of your age.

I'M TRANS* . . . WHAT DOES ALL OF THIS MEAN FOR ME?

Trans* people are entitled to the same rights as all other people, including at the doctor's office. Despite this, trans* people still face tremendous disparities in health and well-being and significant gaps in healthcare. While all of the information in this pamphlet applies to you, transphobia may also become a factor in a doctor's office. For more information specifically about Trans* healthcare and your rights as well as other considerations like changing your legal name, see Pride Health's Trans Healthcare Guide: <http://www.cdha.nshealth.ca/pridehealth/trans-health-guide>

WILL THE DOCTOR'S OFFICE TELL MY PARENTS ABOUT MY APPOINTMENT OR TREATMENT?

This depends on a couple of things. Nova Scotia has a 'mature minor' clause in the health law that means a young person under the age of majority (18) can still consent to treatment if the doctor thinks that you can understand the risks and benefits of the treatment. Individual doctors offices and hospitals may have policies or rules that they follow.

Make sure to inform your doctor's office of the best way to get in touch with you (a phone line that you don't share with your parents!).

There are exceptions. If a doctor thinks that you are being abused, they are legally required to report the abuse to social services. See page 8 for more information.

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Remember! You have the right to ask questions.

To find out about confidentiality ask questions like:

- Can I access services if I'm ____ years old?
- Will you tell my parents that I visited or that I got treatment?
- Are there any situations where you would have to tell my parents I accessed your services?
- Are there situations where details of my appointment would be shared with anyone outside of me and my health care provider?

WHAT ARE MY RIGHTS WHEN I'M TESTED FOR STIS?

You don't need permission from your parent or guardian to get tested for sexually transmitted diseases (STIs).

Depending on the clinic and what you're being tested for you will need to provide information like your name and health card. Generally, your name will be given a code, so that the lab doesn't know who tests positive or negative.

However, if you test positive for certain infections a doctor may need to report it to the government (Public Health). A doctor may take information from you about your sexual partners. If you test positive you could tell your partners, or public health can collect the information and inform them.

* **Remember! You have the right to know how your information will be used:**

To find out about confidentiality ask questions like:

- Why is my information being collected?
- Who will have access to this information?
- If I test positive for an STI, who will have access to that information?

CAN I BUY CONDOMS?

There is no age restriction on purchasing condoms, and no one can prevent you from doing so.

CAN I BUY EMERGENCY CONTRACEPTIVES (PLAN B)?

You can buy Plan B at any age in Canada and it should be available to you over the counter (which means you don't have to speak to a pharmacist).

CAN I GET ORAL CONTRACEPTIVES?

Once again, the "mature minor" laws come into play. You should be able to access contraceptives if your doctor believes that you are mature enough to understand the risks. If you are a minor, ensure that your information will be confidential by having a discussion with the staff at the doctor's office about how your information will be used.

WHEN WOULD A HEALTH CARE PROVIDER BE LEGALLY OBLIGATED TO CONTACT SOCIAL SERVICES ABOUT ME?

Everyone has a legal responsibility for reporting abuse and/or neglect of a person under 16 to social services. If your doctor suspects or you tell them that you have been abused, and you are under 16, they will have a legal obligation to disclose this to social services. This can include physical, emotional and sexual abuse as well as neglect (lack of care than endangers or causes harm to a minor).

For more information on reporting abuse visit <http://www.novascotia.ca/coms/families/abuse/>

CAN I GET AN ABORTION?

Getting an abortion is legal in Canada but depending on where you live your ability to access it might be different. In Nova Scotia, all abortions are performed in Halifax and are free (so long as you are a resident of Nova Scotia and have a valid health card). If you are from out-of-province, call the Halifax Sexual Health Centre for information about payment.

So long as you qualify as a mature minor (see page 5), you are able to consent to having an abortion, without your parent's permission. However, if a doctor believe that have been or you are at risk of sexual abuse,they are obliged to inform social services, with your knowledge.

Generally, you need to have at least one appointment with a doctor before getting an abortion. So make sure to call your doctor to arrange this right away.

The best thing to do is to call your doctors office and ask lots of questions about how your information will be used and shared and whether or not you can have an abortion without your parents permission. You have the right to ask these questions and be given this information!

CAN A DOCTOR REFUSE TO REFER ME FOR AN ABORTION?

Nurses and doctors can refuse to refer a patient for an abortion on the grounds of "conscientious objection". However, if they do this, they should also always refer you to another doctor who CAN provide a referral. While the large majority of health care providers follow these rules, sometimes a doctor will unfairly obstruct a patient from getting an abortion. If this happens to you, you can go to the Halifax Sexual Health Centre for your medical appointments, or talk to someone at a local sexual health centre. You can also file a complaint against a doctor. More information on filing a complain is available from www.cpsns.ns.ca

WHAT IS

SEXUAL MISCONDUCT

BY A DOCTOR?

The college of physicians and surgeons of Nova Scotia define sexual misconduct as:

- Sexual contact between a doctor and a patient
- Unnecessary viewing of all or part of a patient's body by a doctor, which may happen if the patient is not permitted to undress in privacy or if the patient is not properly covered when being examined or treated
- Inappropriate comments about a patient's sexual orientation by a doctor
- Sexualized comments by a doctor, including inappropriate remarks about a patient's body or clothing
- Inappropriate and unnecessary requests by a doctor for details of a patient's sexual history
- Failure by a doctor to get permission from a patient before examining private areas of a patient's body
- Inappropriate examination of a patient by a doctor especially when it involves the breasts, genitals or anus
- Inappropriate body contact between a doctor and a patient, including kissing and hugging of a sexual nature



Doctors are also not allowed to abuse, harass or rape their patients. You have the right to be safe and respected in your doctor's office.



If a doctor has acted inappropriately, you can file a complaint with the college.



If a doctor has broken the law and harassed, assaulted or raped you, you can contact the police, your local sexual assault centre or a sexual health resource centre.



WANT MORE INFORMATION?

Nova Scotia Association for Sexual Health

<http://www.nssexualhealth.ca/>

NSASH has a list of all the sexual health centres in Nova Scotia

Canadians for Choice - 1-888-642-2725

<http://www.canadiansforchoice.ca>

Halifax Sexual Health Centre

<http://www.halifaxsexualhealth.ca/>

Kids Help Phone: The law and your body

<http://www.kidshelpphone.ca/Teens/InfoBooth/Money-jobs-laws/Laws/The-law-and-your-body.aspx>

College of Physicians and Surgeons of Nova Scotia

www.cpsns.ns.ca

Info about the complaints process:

<http://www.cpsns.ns.ca/ComplaintsandDisciplinaryProcess.aspx>

HIV disclosure and the law:

<http://www.aidslaw.ca/publications/interfaces/downloadFile.php?ref=1887>

<http://www.aidslaw.ca/EN/community-kit/index.htm>

Sex and the law

<https://www.optionsforsexualhealth.org/advocacy/sex-and-the-law>

Nova Scotia Legal Aid

<http://www.nslegalaid.ca/>

Legal Information Society of Nova Scotia

<http://www.legalinfo.org/>

GET IN TOUCH:

This pamphlet was prepared by the
Lunenburg County Sexual Health Centre
You can reach us at:

8-4 Hillcrest St
Bridgewater, NS
B4V 1S9

lunco.ns.sexualhealth@gmail.com

902 527 2868