



TITLE

**INFORMATION SHARING WITH GUARDIANS**

SCOPE

Provincial: Protection of Children Abusing Drugs Program

DOCUMENT #

AMH-12-01

APPROVAL AUTHORITY

Vice President, Provincial Clinical Excellence

INITIAL EFFECTIVE DATE

November 19, 2020

SPONSOR

Senior Program Officer, Provincial Addiction & Mental Health

REVISION EFFECTIVE DATE

Not applicable

PARENT DOCUMENT TITLE, TYPE, AND NUMBER

Not applicable

SCHEDULED REVIEW DATE

November 19, 2023

**NOTE:** The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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**OBJECTIVES**

- To implement a consistent approach with regards to the exchange of information about a **minor** with their **guardian(s)** during the treatment process.
- To facilitate comprehensive treatment and discharge planning, in alignment with the principles of **patient- and family-centred care** and applicable privacy legislation including the *Protection of Children Abusing Drugs Act (Alberta)*, *Health Information Act (Alberta)*, and *Freedom of Information and Protection of Privacy Act (Alberta)*.
- To describe the assessment process for determining when to share and when to withhold health information from the minor’s guardian(s).
- To promote the values of safety, confidentiality, privacy, and patient- and family-centred care.

**APPLICABILITY**

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, students, volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

**ELEMENTS**

**1. Points of Emphasis**

- 1.1 All **PChAD health care providers** should start with the basis that addiction-related health information (see Section 2.3 b) below) should be shared regularly

and consistently with the guardian(s) unless it is determined to not be in the minor's best interest to do so as per Section 3.2 below.

- 1.2 Wherever appropriate, the minor shall be included in discussions of the treatment plan and decisions to share or not share information with their guardian(s).
- 1.3 When information is shared with the guardian(s) without the minor's consent, the PChAD health care provider shall consider how and when to share information while respecting the minor's dignity and preferences.

## 2. Information Sharing with Children and their Guardian(s)

- 2.1 All PChAD health care providers shall be familiar with and comply with the AHS *Collection, Access, Use, and Disclosure of Information Policy*.
- 2.2 PChAD health care providers shall inform the minor and guardian(s) how information sharing will take place, including the limits of patient confidentiality as well as limits on sharing information with the guardian(s).
- 2.3 Unless Section 3.1 or 3.2 applies, to promote mutual understanding of the treatment recommendations, the AHS **health care provider** should:
  - a) engage the guardian(s) as collateral experts for assessment purposes and for the development of treatment planning recommendations; and
  - b) regularly and consistently share any information about the minor's assessment, detoxification, stabilization, and recommendations for treatment with the guardian(s).
- 2.4 Upon discharge, the health care provider shall:
  - a) provide the guardian(s) with a copy of the assessment report or letter;
  - b) offer opportunities to review the assessment with the guardian(s) via a face-to-face or phone-call meeting; and
  - c) encourage the minor to discuss relevant information directly with their guardian(s), and offer support to do so.

## 3. Determination to Withhold Information from the Guardian(s)

- 3.1 Best interests: The AHS Supervisor or Manager, in consultation with the relevant PChAD health care provider, is responsible for determining if sharing addiction-related information (see Section 2.3 b) above) with the guardian(s) is not in the minor's best interest and should be withheld.
  - a) This includes (but is not limited to) information that when shared with the guardian(s), may pose a threat to the minor's safety or physical or mental health.

- 3.2 Minor's request: When a minor requests that their health information be withheld from their guardian(s), an AHS health care provider shall:
- a) engage the minor in a collaborative discussion to determine:
    - (i) the reason for their request; and
    - (ii) assess whether the minor understands the nature and consequences of not sharing information with the guardian(s);
  - b) inform the AHS Supervisor or Manager of the minor's request; and
  - c) follow the minor's request to withhold disclosing the minor's information to their guardian(s) if:
    - (i) given the minor's age, maturity, independence, and level of understanding, the minor understands the nature and consequences of not sharing information with the guardian(s); and
    - (ii) withholding the information would not pose a risk of harm to the minor.
- 3.3 When information is shared with the guardian(s) without the minor's consent, the PChAD health care provider shall consider how and when to share information while respecting the minor's dignity and preferences.
- 3.4 In situations when an AHS PChAD Supervisor or Manager is not available, and the decision regarding withholding information from the guardian(s) is time-sensitive and would prevent harm to the minor, the Protective Safe House (PSH) Supervisor or Manager shall contact the AHS on-call Zone Manager.

#### 4. Documentation

- 4.1 Health care providers shall be aware of and comply with the AHS *Clinical Documentation Directive*.
- 4.2 All decisions to share information against a minor's request or to withhold information from the guardian(s) shall be clearly documented by the health care provider.

#### DEFINITIONS

**Guardian** means, where applicable:

For a minor: a guardian as defined by the *Family Law Act* (Alberta), a divorced parent with custody of the minor, or a person appointed pursuant to a will, personal directive, court order, agreement or by authorization of legislation (e.g., *Child, Youth and Family Enhancement Act* [Alberta]).

For an adult: an individual appointed by the Court in accordance with the *Adult Guardianship and Trusteeship Act (Alberta)* to make decisions on behalf of the adult patient when the adult patient lacks capacity.

**Health care provider** means any person who provides goods or services to a patient, inclusive of health care professionals, staff, students, volunteers and other persons acting on behalf of or in conjunction with Alberta Health Services.

**Minor** means a person aged less than 18 years.

**Patient- and family-centred care** means care provided working in partnership with patients and families by encouraging active participation of patients and families in all aspects of care, as integral members of the patient's care and support team, and as partners in planning and improving facilities and services. Patient- and family-centred care applies to patients of all ages and to all areas of health care.

**PChAD health care providers** means all health care providers, including both AHS and contracted Protective Safe House providers, who provide services for the PChAD Program.

## REFERENCES

- Alberta Health Services Governance Documents:
  - *Clinical Documentation Directive* (#1173)
  - *Collection, Access, Use, and Disclosure of Information Policy* (#1112)
  - *Transitory Records Procedure* (#1133-03)
- Non-Alberta Health Services Documents:
  - *Freedom of Information and Protection of Privacy Act* (Alberta)
  - *Health Information Act* (Alberta)
  - *Protection of Children Abusing Drugs Act & Regulation* (Alberta)

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