



# Pathology

The *Facts*

## Consent – What you need to know

Pathology is a ‘referred’ service which means the treating practitioner who requests the pathology test is usually responsible for obtaining their patient’s informed cooperation and consent. The level of consent required generally relates to the type of procedure being performed or the type of information being acquired. Here is a snapshot of consent related to pathology, including some points to consider.

### Implied consent

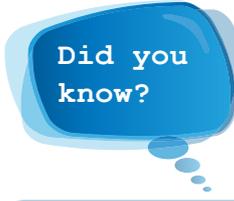
Implied consent occurs when a person freely cooperates in a process without discussion or formal consent. An example is a person rolling up their sleeve and extending their arm to have a blood test.

### Verbal consent

Verbal consent occurs when a person freely states their consent to a procedure. An example is a woman verbally agreeing to have a Pap smear in a treating practitioner’s office.

### Written consent

Written consent occurs when a person freely signs a consent form confirming the procedure and its associated risks have been explained, and they have understood this information. It is usually required for invasive medical procedures, such as a biopsy or surgery to remove a cancerous growth, or for genetic and Human Immunodeficiency Virus (HIV) testing and other lifelong conditions.



Did you know?

*Everyone has the right to obtain a copy of their pathology request form and a receipt for pathology services.*

### Financial consent

Financial consent occurs when the costs for a treatment or procedure, including likely out-of-pocket expenses, are explained before the procedure or pathology tests begin. However, the final account for pathology services may not be known before the pathology tests commence. This is because under Federal Legislation, accounts for services cannot be issued until after all of the pathology tests are completed. (Refer to fact sheet - How are pathology test fees calculated?)

The Private Health Insurance Ombudsman produces a brochure about medical fees.

<http://www.phio.org.au/downloads/file/PublicationItems/DoctorsBill.pdf>





**Did you know?**

*Some tests have implications for persons other than the individual having the pathology test. For example, a person may be asked for their written consent to disclose the results of a genetic test to others who they identify as being affected by the results, such as immediate family members.*

## Consent involving children

Consent involving children is a complex issue. While very young children need the consent of a parent or guardian, the age they are able to formally consent to their own treatment varies according to different State and Territory laws. However this is a grey area. For example, if a treating practitioner assesses that a young teen is sufficiently mature to understand the nature and consequences of a medical procedure, such as a pathology test for a sexually transmitted infection (STI), then it may be possible to validly consent to this treatment. This complex area is further explained in a fact sheet by The Medical Insurance Group at <http://www.miga.com.au/riskresources/library/10RRAR05.pdf>

## Can I refuse to have a pathology test?

Yes. A person can refuse to have a pathology test at any time, although the consequences of this decision should be discussed with the treating practitioner who requested the pathology test.

## Tests authorised by statute

These are medical treatments or interventions identified in law such as requirements to have a blood test for alcohol following a traffic accident, or compulsory drug screening. Refusal to consent to these tests may constitute an offence.

## Treatments authorised by a court order

Consent is not required for medical treatments or interventions that are carried out or ceased as a result of a court order.

**Did you know?**

*Treatment may be provided in emergency situations to a person who is unable to give consent. For example, they may be unconscious or in a drug-induced state and require life-saving tests and treatment or interventions to prevent serious damage to their health.*

**Did you know?**

*A person cannot opt out of having their notifiable disease or cancer reported to the relevant authority, which means their consent for the pathology laboratory to forward this information, is not required. However, there are protections in place to ensure this information is not accessed inappropriately.*

## Consent related to Cancer Registries

Pathology laboratories are required by law to send details of all incidences of cancer to their State or Territory Cancer Registry.

## Consent related to notifiable diseases

Pathology laboratories in each State and Territory have a list of notifiable diseases, such as measles, that must be reported to their local health authority.





## Consent related to clinical trials, research and biobanks

Written consent is required for participation in clinical trials, medical research and biobanks (facilities which store human biological samples, called biospecimens, for use in research). Patients can change their mind and decide not to participate in any of these situations, even after the consent form is signed.

Waiver of consent may apply to allow biospecimens from existing collections to be used in research with scientific merit that have been approved by a human research ethics committee. The biospecimens usually have any identifying personal information removed when this occurs.

Did you know?

*While patients have the right to withdraw from a clinical or research trial or biobank at any time, it may sometimes not be possible to withdraw if the specimen or information has already been used for analysis, or if all personal identifying information has already been removed.*

### Reliable information on pathology can be found at:

The Royal College of Pathologists of Australasia (RCPA) - [www.rcpa.edu.au](http://www.rcpa.edu.au)

ePathWay (the RCPA's online magazine for consumers) - <http://epathway.rcpa.edu.au>

The RCPA Manual - <http://rcpamannual.edu.au>

The Pathology Associations Council (PAC) - [www.pathology.med.pro](http://www.pathology.med.pro)

Lab Tests Online - [www.labtestsonline.org.au](http://www.labtestsonline.org.au)

