

Update: Vaccination conscientious objection forms

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Jun 20, 2013

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By: Avant Media

We have received requests for advice from members following recent media reports about some doctors refusing to sign Medicare's "Immunisation Exemption Conscientious Objection Form" for parents, relying on their right to decline to personally provide or participate in treatments to which they conscientiously object.

However, Dr Steve Hambleton, AMA President, has stated that "... parents who don't vaccinate their children should be forced to produce a conscientious objection form" which can only occur if doctors are actually prepared to sign the forms. ([Dunlevy S "Proof of Vaccination a must, says AMA" 12 April 2013](#)).

Members have requested advice about whether they are required to sign the form. The aim of this update is to clarify those obligations.

Eligibility for government benefits

To be eligible for Family Assistance Part A Benefits, children are required to be fully immunised. However, the Australian Government recognises that parents are entitled to object to the immunisation of their children if they have a "...personal, philosophical, religious or medical belief involving a conviction that vaccination should not take place".

The children of parents who object to childhood immunisation are not to be deprived of any government benefits if their parents can confirm that they have discussed the benefits and risks of immunisation with a "recognised immunisation provider". In order to confirm that such a discussion has taken place the Government requires a declaration from the person who provided advice to the parents.

All registered medical practitioners are automatically recognised immunisation providers. Other organisations, such as community health centres, can apply to be recognised immunisation providers.

Purpose of the form

The purpose of the form issued by Medicare is simply to confirm that parents have had an informed discussion with a recognised immunisation provider such as the child's doctor. The sole requirement on the part of the doctor is to declare that:

"I have explained the benefits and risks associated with immunisation to the parent or guardian of the child named, and have informed him / her of the potential dangers if a child is not immunised."

Doctors are not being asked to verify whether the parents' decision is reasonable or in the child's best interest. If this was the case it would be entirely reasonable for the doctors to refuse to sign the form on the basis that, in the doctor's opinion, the decision is neither reasonable nor in the child's best interests.

The form is only a confirmation of advice provided to the parents. The reason that the parents are asking for the form to be signed is to enable benefits to be paid for the child (the doctor's patient). The Government has already determined, as a matter of legislative policy, that the child is entitled to such benefits once the parents have confirmed that they have obtained advice about immunisation.

Signing the form

In "Good Medical Practice: A Code of Conduct for Doctors in Australia", The Medical Board recognises that medical practitioners have the right to not provide or directly participate in treatments to which they conscientiously object. Such moral objection cannot,

however, be used to impede access to treatments that are legal or deny patients access to medical care (paragraphs 2.4.6 and 2.4.7). The usual approach for a doctor who objects to treating a patient on moral grounds is to refer the patient to another doctor who will provide the treatment.

There is no statutory requirement for doctors to sign these forms. However, doctors do have a duty to provide advice to parents about immunisation. In refusing either to provide advice or confirm in writing that advice was provided to a child's parents about immunisation, doctors need to ensure that they are not allowing their moral views to deny their patient (the child) an entitlement to government benefits. This is not a case where the doctor is being asked to "provide or directly participate in any treatments to which he or she conscientiously objects", but rather to confirm that advice was provided.

Providing information to parents about immunisation

Before doctors can sign the form they must have had a discussion explaining the benefits and risks associated with immunisation and the potential dangers if a child is not immunised. These dangers extend not only to the child in question, but also potentially to other children in the community who may have diminished protection if immunisation levels fall below certain levels. This discussion should take place in a consultation dedicated to the issue. Doctors should document in the patient's medical records any literature or reference information provided to his or her parents.

If parents simply demand that the form is signed, and refuse to engage in a proper discussion with their child's doctor about immunisation, the doctor will be unable to make the declaration required on the form and in these circumstances it would not be appropriate for a doctor to sign the form.

Dr Steve Hambleton has suggested that when doctors take the time to provide parents with advice about the risks associated with not immunising their children they may well change their mind. Faced with a proliferation of anti - vaccination websites, doctors do have an important role in providing parents with objective information about vaccinations. For this purpose, The Australian Immunisation Handbook (2008) contains a table of "Comparisons of the effects of diseases and the side effects of vaccines" to help parents make an informed decision about immunisation. The Department of Health and Ageing has also produced a ["Myths and Realities" book available here](#).



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