

# 3. MY RIGHT TO HEALTH

## 3.1 Healthcare

### Do I have a right to healthcare?

Yes. Anybody in Ireland with a medical emergency has the right to attend their local hospital accident and emergency department. There may be a cost for this unless you have been referred by your family doctor (GP) or you hold a medical card.

Some health services are free. These include maternity and infant care, health services for pre-school children, school health services, vaccinations and immunisation services.

### What free healthcare will I get in school?

Every child is entitled to school health services. If you are under six or if you attend a national school, you will get free health examinations. These usually include immunisations against particular infectious diseases, developmental checks, visits by public health nurses, child welfare clinics and school health examinations. Private primary schools may ask for the service and the Health Service Executive can decide (or not) to extend the service to these schools.

If any problems are found with your teeth, sight or hearing during the school health check they will be treated free of charge. You also have a right to free dental services up to the age of 15 years, if you are attending school.

### Do I have a right to a medical card?

A medical card entitles you to free hospital care, doctor visits, medical appliances and dental, eyesight and hearing services. You may be entitled to a medical card based on your parents' or guardian's income. If you are in State care, you will get a medical card.

If you live at home and your parent or guardian has a medical card, you will be covered by this card. If you are between 16 and 25 years of age and are financially dependent on your parents or guardian, you are entitled to a medical card if they have one.

If your parents or guardian do not qualify for a medical card, they may get a GP visit card. This will cover you and let you visit the doctor for free. If you are over 16, you may qualify for a GP Visit Card in your own name. Some families choose to buy private health insurance.





## 3.2 Consent

### At what age can I give my consent to medical treatment?

Giving consent means giving permission for surgical, medical or dental treatment. If you are under 16 years, your parents or guardian must consent to any surgical, medical or dental treatment you receive. However, you should be told about the treatment and your views or concerns should be listened to and taken into account.

If you are over 16, you can consent to surgical, medical or dental treatment, including any treatment or tests needed to find out what is making you feel unwell. However, doctors and hospitals will usually also look for the consent of your parents or guardian before they carry out any tests or treatment even if you are over 16 years.

You must be 18 to consent to mental health treatment.

### Can I refuse to give consent to medical treatment?

You will not usually be allowed to refuse treatment if your doctor believes it is in your best interests and your parents or guardian agree. The doctor should help you to understand the importance of having the treatment.

### Do I have a right to see my health records?

You can see your health records when you are 18 years of age. If you are under 18, your parents or guardian can access them on your behalf. In some cases, you or your parents or guardian may not get access to your health records if a doctor or hospital thinks it is not in your best interests.

## 3.3 Confidentiality

### Can I visit the doctor on my own without my parent or guardian?

Yes. But while you are under the age of 18 years the doctor cannot promise that he or she will not tell your parents or guardian about your treatment.

### Do I have a right to confidentiality with my doctor?

No. If you are under 16, your doctor must tell your parents or guardian except in very rare cases. Even if you are over the age of 16, the doctor cannot give you a guarantee of confidentiality as your parents or guardian have a right to ask for access to your medical records until you are 18. But, if your doctor thinks that it would not be in your best interests for your parents to know about your visit, they will not tell them.



If a doctor or nurse is concerned that you or another child is being harmed in any way or at risk of being harmed, the law says they must report their concern to the Child and Family Agency, Tusla.

## 3.4 Children with disabilities

For information on educational rights for children with disabilities see section 2 on the right to education.

### Am I entitled to support for my disability?

If you have a disability that affects your ability to move, communicate or learn, you may be entitled to get help from the disability support services. Depending on the type of disability you have, you and your parents or guardian may also be eligible for financial supports. These include:

- **Domiciliary Care Allowance (DCA).** Your parents or guardian may get this payment if you are under 16 years of age and have a severe disability that has continued or is expected to last for at least a year, and which means that you need substantially more care than another child of your age.

Your parents or guardian must meet a number of conditions to qualify for this payment (including residency (living) requirements). You can find out more about these on [www.welfare.ie/en/pdf/domcare1.pdf](http://www.welfare.ie/en/pdf/domcare1.pdf).

For instance, you must be living at home and in continuous care. If you are in residential care but return home two or more days a week, your parents or guardian may qualify for a reduced rate of payment.

- **Disability Allowance Payment.** You may be eligible for this payment if you are over 16 years of age and have an injury, disease or physical or mental disability that has continued or is expected to last for at least a year. This payment is means-tested, which means your family's income must be below a certain amount for you to get the payment.

### Can my family get help to adapt my house to make it more accessible for me?

If you have a disability that is recognised by the Health Service Executive (HSE), your parents or guardian may be eligible for a grant to help pay for the cost of adapting your home. You can find out more about these grants and supports from the Citizens Information Service ([www.citizensinformation.ie](http://www.citizensinformation.ie)) or from the housing department of your Local Authority (see [www.environ.ie](http://www.environ.ie) for contact details).

## For parents and guardians

### Is my child entitled to an assessment of their needs?

Any child born after 1 June 2002 is entitled to a free assessment of their health and educational needs carried out by an assessment officer from the HSE Disability Services. After the assessment, you will receive an assessment report. This will outline:

- if your child has a disability;
- the type of disability and how severe it is;
- the health and educational needs arising from the disability;
- the services considered best to meet those needs and when your child will receive them; and
- when the HSE should review the assessment.

You will also get a document called a service statement which sets out the health and education services that your child needs. This takes account of the assessment report, whether your child is eligible for services, relevant standards and codes of practice, the practicality of providing the service and the financial resources available.

To apply for an assessment for your child, contact the assessment officer at your Local Health Office. If you are not satisfied, you can complain to the HSE and you can appeal their finding to the independent Office of the Disability Appeals Officer (see contact details on page 79 of this guide).

## 3.5 Mental health

### Why is looking after mental health important?

Looking after your mental health is as important as looking after your physical health. At different times in your life your mental health may be affected by what is going on around you. Many everyday things can affect your mental health or sometimes a big event, such as the death of someone you love, can affect you.

### Where can I get help?

If you feel you may need help, there are many online supports and telephone helplines that you can use. If you are worried about yourself or a friend, talk to your family or look for help from youth mental health organisations and groups. You could also talk to a counsellor, a friend, or ask for support through your school.

A first step may be to talk to your doctor about what help you may need. Your doctor can address most mental health issues directly or with the help of therapy that may be available in your community. Sometimes, you may need medicines or to stay in a hospital as part of the treatment.

## Where can I get information about mental health?

There are several online and telephone resources for young people which give information on different areas of mental health. These include:

- Let Someone Know
- Reachout
- Headstrong / Jigsaw
- St Patrick's Mental Health Services Support and Information Helpline (9 am to 5 pm): 01 249 3333

You can find further details of these on pages 77-78 of this guide.

## At what age can I consent to mental health treatment?

Any decision regarding your mental health or treatment for a problem that you are experiencing should take your best interests into account. You must be 18 years old to give or refuse consent to mental health treatment. If you are under 18, your parents or guardian may give consent on your behalf.

## If I am hospitalised, how long will I have to stay?

The length of stay in hospital is different for everyone. Most young people are admitted to hospital voluntarily (this means that you, your parents or guardian, and the doctors have made the decision to go to hospital together). The doctors will aim to keep you in hospital until you are better. Your parents have the right to take you home at any time. If your parents feel that you should be in hospital and you do not wish to be there, you can ask your treatment team to review the decision.

## What is involuntary detention?

Involuntary detention happens when the doctors in charge of your care ask the District Court for permission to keep you in hospital. This can happen if your treatment team feels that your discharge from hospital may pose a risk to yourself or others. It can also happen if your parents or guardian decide to take you out of hospital and the doctors think you are not ready or well enough to leave.

The court can order that you be kept in hospital for up to 21 days. This order can be renewed for periods of three or six months. Your doctors will continually review your mental health. You and your parents or guardian may be asked for your views. When your doctors feel that you are well enough, they will ask the court to withdraw the involuntary detention order.

## Who has the right to information about my mental health?

Your treatment team, your parents or your guardian have the right to information about your mental health. Your information will not be shared with anyone else unless you want it to be, or unless it could be used as evidence of a crime.

### 3.6 Sexual health

## Why is it important to know my rights and to look after my sexual health?

It is important to know the law around sex and giving your consent to having sex. If you decide to have sex, it is important to know how to protect yourself against sexually transmitted infections (STIs) and against an unwanted pregnancy.

## At what age can I legally consent to have sex?

At 17. This is the same whether you are straight, gay, lesbian or bisexual.

## At what age can I buy condoms?

Any age. There is no age restriction on buying condoms.

## At what age can I get other forms of contraception?

You can access all forms of contraception at 17, which is the legal age of consent to have sex. For some forms of contraception, such as the contraceptive pill, you will need a prescription from a doctor. The law is unclear as to your right to be prescribed contraception if you are under 17. Some doctors will prescribe contraceptives to young people under 17, but others will refuse.

If you are over the age of 16, you can get emergency contraception (known as the 'morning-after pill') from a pharmacist without the consent of your parents or guardian. If you are under 16, the pharmacist will usually look for the consent of your parents or guardian.

## Does the doctor have to tell my parent or guardian if I ask for contraception?

If you are **16 or over**, you can discuss contraception with your doctor without your parents' or guardian's consent or knowledge. If you are **under 16**, your parents or guardian have a right to know if you have been given medical treatment, including a prescription for the pill or any other form of contraception.

If you are concerned about giving information to the doctor, you should clarify this with the doctor at the beginning of the consultation.

## Where can I get more information about sexual health and sexually transmitted infections (STIs)?

There are a number of sexual health clinics around Ireland. They are also known as STI or Genito-Urinary Medicine (GUM) clinics. They will give you support whatever your sexual orientation. For details of these services, visit [www.b4udecide.ie](http://www.b4udecide.ie) or [www.thinkcontraception.ie](http://www.thinkcontraception.ie).

## Will I be reported to social services or the Gardaí if I am sexually active or pregnant and under 17?

The law states that 17 years is the age of consent to sex. It is an offence to have sex with anyone under the age of 17 years. However, you will only be reported to social services or the Gardaí if there is a suspicion or allegation that you have been harmed or are a victim of a crime. For more information, see [www.positiveoptions.ie](http://www.positiveoptions.ie) and [www.crisispregnancy.ie](http://www.crisispregnancy.ie).

You can find contact details for organisations providing information and resources on sexual health on pages 76-77 of this guide.

## 3.7 Pregnancy

### Where can I get advice and support if I think I might be pregnant?

You can visit your GP (doctor) or local health centre for advice and support. There are free, non-judgemental crisis pregnancy counselling services all around Ireland. For a list of these, visit [www.positiveoptions.ie](http://www.positiveoptions.ie) or text the word 'LIST' for free to 50444.

### Can I go for counselling for a crisis pregnancy without my parents or guardian knowing?

If you ring a counselling service, you can ask over the phone about their policy on seeing someone under 18 without the consent of a parent or guardian. Some services will talk to you about how to tell your parents or guardian, and they will support you in doing that. Other services will only see you if your parent or guardian comes with you.

## Are there any special support services for teenage or young parents?

Some maternity hospitals run a Teen Pregnancy Support Programme (TPSP) for young parents under 19 years of age until their child reaches two years of age. The TPSP is a community-based service funded by the HSE which is available in 11 locations. It gives free, confidential information and advice to young parents and other family members such as grandparents.

The TPSP will tell you about your rights, entitlements and responsibilities as a young parent and can give you information on welfare, accommodation, education, training, childcare and other support services. For more information on this service, see [www.tpssp.ie](http://www.tpssp.ie) or see pages 81–82 of this guide.

## Can I get free medical care while pregnant?

Yes. You are entitled to free pregnancy care under the Maternity and Infant Scheme until your baby is six weeks old. This covers doctor visits, ante-natal clinics, the maternity hospital when your baby is born and two check-ups after the birth. Contact your GP (doctor) or your local health centre for more information. You can also get more information on the scheme on the HSE website, [www.hse.ie](http://www.hse.ie).

## Can I still go to school if I am pregnant?

Yes. You are entitled to continue your education if you are pregnant. You may be entitled to financial assistance for schooling at home under the Home Tuition Grant Scheme. This scheme pays for nine hours of schooling a week for 10 weeks. It is usually given to students who need to be absent from school in the later stages of pregnancy or immediately following the birth of the baby. To access this scheme, contact the Special Needs and Tuition Grants section of the Department of Education and Skills website - [www.education.ie](http://www.education.ie).

