

NATMED'S TEN TAKEAWAYS



www.Natmed.mobi



<http://medicaldefence.mobi/>

Informed Consent Series Part 5 of 10: Consent for termination of pregnancy

- 1 Only the pregnant woman's consent is required for a termination of pregnancy (during the first 12 weeks of gestation). Consent must be informed consent.
- 2 In the case of a minor, the healthcare practitioner must advise the pregnant child to consult with parents, guardians or family members regarding the termination but may not refuse the termination of pregnancy if the minor chooses not to consult with them. There is no minimum age limit for this consent to be valid.
- 3 Between 13 weeks and 20 weeks gestation, the pregnancy may be terminated if the medical practitioner, after consultation with the pregnant woman, is of the opinion that the continued pregnancy would pose a risk of injury to the woman's physical or mental health; or there is a substantial risk that the fetus would suffer from a severe physical or mental abnormality; or the pregnancy resulted from rape or incest; or the continued pregnancy would significantly affect the social or economic circumstances of the woman.
- 4 After 20 weeks gestation, the pregnancy may be terminated if the medical practitioner, after consultation with another medical practitioner or a registered midwife, is of the opinion that the continued pregnancy would endanger the woman's life; would result in a severe malformation of the fetus; or would pose a risk of injury to the fetus.
- 5 The consent of the pregnant woman is usually the only consent that is required, except in the case of mental illness or continuous unconsciousness.
- 6 If the patient is severely mentally disabled and completely incapable of understanding and appreciating the nature or consequences of a termination of her pregnancy, or she is in a state of continuous unconsciousness and there is no reasonable prospect that she will regain consciousness in time to request the termination of her pregnancy the consent of the woman's natural or legal guardian, spouse, or curator may be obtained. Further, two medical practitioners must also consent. The requirements regarding period of gestation still apply (for example, after 20 weeks the pregnancy may only be terminated if there is a substantial mental or physical risk to the fetus or the mother).
- 7 In the case of mentally disabled or continuously unconscious patients, two medical practitioners who are of the opinion that the continued pregnancy would endanger the life of the pregnant woman or the fetus may consent to the termination of her pregnancy, after consultation with the pregnant woman's legal guardians (and may proceed, in these specific circumstances, to terminate the pregnancy, even if the pregnant woman's legal guardians do not consent). However, a situation like this may be legally unclear, therefore legal advice should be sought if you are unsure with regard to whose consent is needed.
- 8 Records of all terminations of pregnancy must be kept (the prescribed information to be recorded must not include identifying details such as the name and address of the pregnant woman). The prescribed information must be forwarded to the relevant Director General but the identity of a woman who has requested or obtained a termination of pregnancy must remain confidential at all times unless she herself chooses to disclose that information.
- 9 The State has to promote the provision of non-mandatory and non-directive counselling, before and after the termination of pregnancy.
- 10 If you cannot or will not assist the woman in termination of her pregnancy, you must refer her to a health facility where she can be assisted.

Natmed's Top Ten Takeaway series is a first stop point of reference for busy healthcare practitioners and healthcare facility operators and intended to be referenced in conjunction with the Natmed "What If?" series, Natmed Medical Defence Review and the Natmedipedia.



NATMED'S MEDICAL DEFENCE REVIEW



NATMED'S WHAT IF SERIES



NATMEDIPEDIA

Disclaimer: Natmed's Ten Takeaways is for information purposes only. You must take specific legal advice on any issue that concerns you.