

## **PS2.006**

### **Who decides?**

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**Background and Aim:** A 14 year-old male patient, diagnosed in his childhood with dysplasia of the left mandibular condyle, has managed to live without important limitations until now thanks to splints and physiotherapy.

**Method:** The patient and his parents come to our Primary Care consultation. After check-up at maxillofacial surgery consultation, a surgical treatment has been proposed to restore temporomandibular joint function and aesthetic with prosthesis insertion. His parents are insisting him to accept the treatment, but the patient refuse the intervention.

**Results:** Are children personality rights subject to parental rights? The 9th article of the patient's autonomy basic Act 41/2002 establishes that the adult of legal age or the mature minor is the one who holds the right of voluntary and free informed consent once he or she has received the appropriate information, with the exception of three cases: public health risk, serious and immediate risk, and legally incompetent patient or a not mature minor under 16. Are we able nowadays to objectively asses if our patients are mature enough to assume this responsibility? According to the Psychological Development studies, the moral maturity is commonly reached between 13 and 15 years old. This is the essential fact that supports the "mature minor" doctrine.

**Conclusions:** A basic principle in the assistance to minors is that health workers should act as minor's defenders. The practice of defensive medicine and the ignorance of the applicable law make that final decisions concerning minor's treatment are chiefly left to parents, not allowing minors to make their own decisions and therefore apply their right of autonomy. It is our responsibility to know about the existing legislation and to make an effort to be updated in order to be able to preserve minor's rights.