

# **LEGAL AND POLICY ISSUES**

**Day 2: Session 9**

**Bożenna Dembowska-Baginska Warsaw, Poland**

# EVERYONE WANTS TO BE YOUNG, HEALTHY AND HAVE A HEALTHY FAMILY



# ONCE WE FACE HEALTH PROBLEMS WE MUST KNOW WHAT WE CAN EXPECT AS PATIENTS



**BEING HEALTHCARE PROVIDERS WE ALSO MUST KNOW WHAT THE PATIENTS EXPECT FROM US  
WHAT ARE THEIR RIGHTS AND RESPONSIBILITIES**

# PATIENTS RIGHTS



## **The Charter of Fundamental Rights of the European Union**

**the Presidents of the European  
Parliament, the Council and the  
Commission signed and proclaimed the  
Charter on behalf of their institutions on  
7 December 2000 in Nice**

## These rights are divided into six sections:

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- Dignity
- Freedoms
- Equality
- Solidarity
- Citizens' rights
- Justice

# ARTICLE 35 OF THE CHARTER RIGHT TO HEALTH PROTECTION

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- „RIGHT OF ACCESS TO PREVENTIVE HEALTH CARE”
- „RIGHT TO BENEFIT FROM MEDICAL TREATMENT UNDER CONDITIONS ESTABLISHED BY NATIONAL LAW AND PRACTICES”

# **IN ADDITION TO ARTICLE 35 THE CHARTER CONTAINS PROVISIONS ON;**



- **Human dignity – article 1**
- **Right to life - article 2**
- **Right to integrity of the person – article 3**
- **Right to the protection of personal data - article 8**
- **Rights of the child - article 24**
- **Right to social security and social assistance - 34**

# OTHER IMPORTANT INTERNATIONAL REFERENCES IN HEALTH CARE

- **The Declaration on the Promotion of Patients Rights in Europe Amsterdam 1994**
  - **The Ljubljana Charter on Reforming Health Care 1997**
  - **The Jakarta Declaration on Health Promotion into 21 Century 1997**
- and many other**





# RIGHTS OF THE PATIENTS

- **Both citizens and health care providers assume their own responsibilities**
- **Rights are correlated with duties and responsibilities**

# PATIENTS' RIGHTS

- **To preventive measures**
- **Of access – equal access to everyone**
- **To information**
- **To consent**
- **To free choice**
- **To privacy and confidentiality**
- **To safety**
- **To innovation**
- **To avoid unnecessary suffering and pain**
- **To complain**



# INFORMED CONSENT

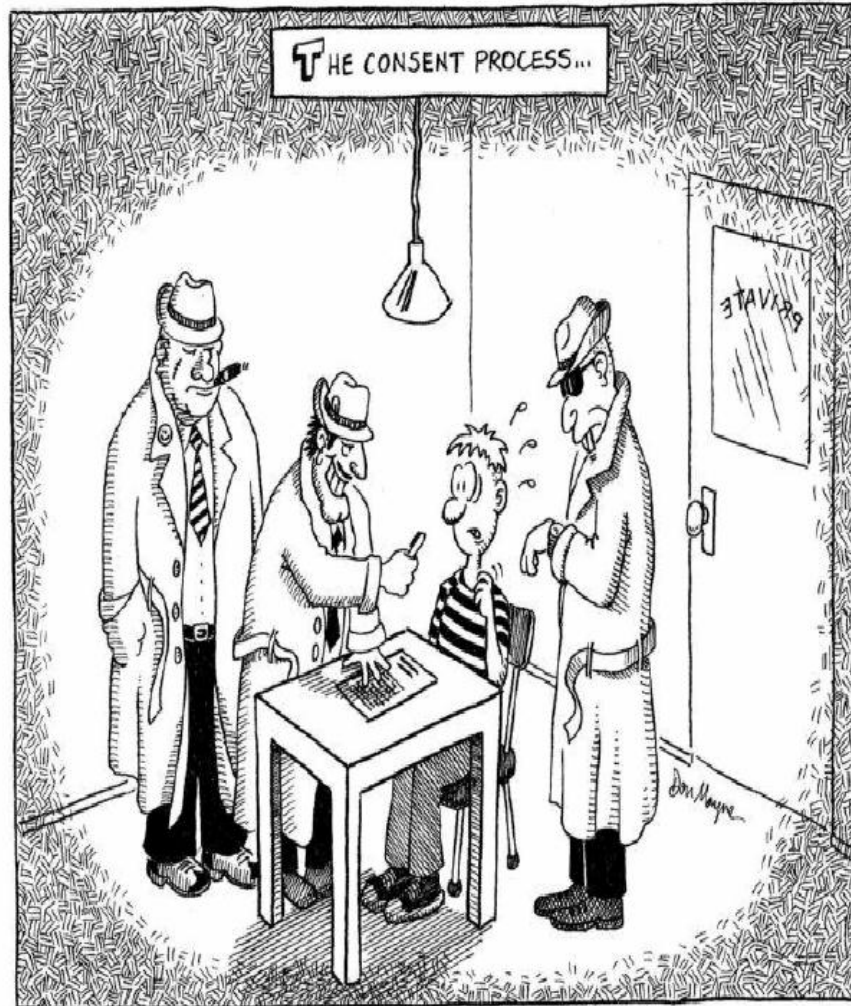
**Paternalism in medicine is over**

**Physicians have no rights to act on patients behalf without their consent**

**Patients are partners who are capable of and interested in participating in care**



# INFORMED CONSENT



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It is more than  
just getting  
a patient to sign  
a written consent  
form

It is a  
communication  
process  
between patient  
and doctor

Decision reached by a competent patient to accept a medical treatment Case Management in Paediatric Cancer Care

# INFORMED CONSENT cont..

## DISCUSS WITH YOUR PATIENT

- diagnosis
- nature of treatment
- risk and benefits of treatment
- risk of not receiving treatment
- alternative treatments

# INFORMED CONSENT cont..

**TALK WITH YOUR PATIENTS SO THEY CAN UNDERSTAND YOU**

**BE PATIENT**

**ALLOW THE PATIENT NOT TO UNDERSTAND AND ASK QUESTIONS**

**BE PATIENT**

**ALLOW THE PATIENT TO HAVE DOUBTS**

**BE PATIENT**

**GIVE THEM TIME**

**BE PATIENT**

**THEN THE PATIENTS WILL COMPETENTLY SIGN INFORMED  
CONSENT AND COMPLY WITH TREATMENT**



# INFORMED CONSENT - MINORS

**A substitute consent is required - given by his legal representative, guardian-in-fact or guardianship court.**

**Patients 16 years old and over, a double consent is needed.**

**When patient 16 yrs of age and over refuses to accept medical acts, the consent of the guardianship court is required, regardless of the consent of his legal representative.**

**If a minor patient has no legal representative or guardian-in-fact and is not communicating with these possible persons, the physician may start further medical interventions only after the guardianship court has given its consent, except in case of necessity.**

# **INFORMED CONSENT - MINORS**

**If a legal representative of a minor patient does not permit diagnosis and treatment ordered by the physician and this endangers the patient's life or exposes him to possible grave bodily injury or other dangerous health disturbance, then the physician may perform such interventions with the consent of the guardianship court.**

**If the parents (guardians) of a child refuse their consent for a treatment whose failure to perform jeopardizes the health or even life of the child, the physician cannot limit himself to discontinue the treatment. In the event that every moment of delay threatens the child who is in the hospital, by worsening his health or even directly endangering his life, and the parents refuse their consent for the operation to be performed, the physician may decide upon it. If the danger posed by the non-provision of treatment however, is not direct and if delay does not worsen the child's health condition, the physician will have to address the court to consider the case and issue an order.**





# PRIVACY AND CONFIDENTIALITY

**Personal health information privacy is very important**

**Patients are concerned that personal health information might be made available to others without their consent**

**Gallop Poll 2000**

# PRIVACY AND CONFIDENTIALITY cont..

Storing patients records



Storing patients results



# AVOID SITUATIONS



“Your medical records are safe with us. We take patient privacy very seriously.”



“Somehow your medical records got faxed to a complete stranger. He has no idea what’s wrong with you either.”

# THERE IS MORE TO PRIVACY



**Be respectful**

**Do not examine a patient in the presence of others – pull a curtain**

**Do not use terms the patient doesn't understand**

**Do not use slang**

# PATIENT HAS THE RIGHT TO COMPLAIN



NEVER BE AFRAID TO SAY WHAT YOU FEEL

# RESPECT PATIENTS RIGHTS



## AND MONITOR THEIR SATISFACTION



# GAINING PATIENTS TRUST



## IF NOT

**Health conditions will go undetected**  
**Health information will not be accurate**  
**Patients will change physicians**

**Quality care will be compromised**  
**And health care**  
**Money are watsed**

# PATIENTS RESPONSIBILITIES

## **PATIENTS SHOULD ;**

- provide complete and accurate information on their health**
- follow treatment plan**
- take responsibility for stopping treatment**
- respect other patients and staff**
- ask questions when they don't understand**
- report all episodes**
- report on medicines taken without doctors order**
- follow hospital rules**
- adhere to treatment**



# PATIENTS RIGHTS & RESPONSIBILITIES BALANCE

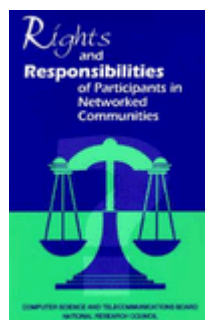


**RIGHTS**

**Parents/patients  
are aware of their  
rights-sometimes  
are very  
demanding**

**RESPONSIBILITIES**

**Responsibilities  
are taken less  
seriously**



**We need more  
education in this  
field**

# PATIENTS and HEALTH CARE PROVIDERS RELATIONSHIP

