

PATIENT RIGHTS

PATIENT RIGHTS DEFINED

Patients have a fundamental right to receive considerate healthcare that safeguards their dignity and respects their cultural, psychosocial and spiritual values. By understanding and respecting these values, you, the healthcare worker, can provide effective and personal care. The Patient's Bill of Rights, legislated through state law and monitored by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), was first adopted by the American Hospital Association in 1973 to ensure that healthcare facilities and healthcare workers respect and honor their patients' rights.

The Patient's Bill of Rights promotes patients' interests and well-being by:

- Preserving an individual's dignity
- Protecting the privacy and confidentiality of patient information
- Assuring patients that they can communicate with persons outside any facility
- Ensuring that patients have the knowledge to make informed decisions about their healthcare
- Ensuring that patients and family participate in all aspects of their healthcare, including the use of an advance directive
- Ensuring impartial access to healthcare
- Ensuring that patients know their rights and responsibilities in receiving healthcare

These guidelines will review the rights of your patients and describe how you can protect these rights by focusing on the patient as a consumer of your services. Because effective healthcare requires collaboration, we will also discuss the responsibilities patients have in making sure that their needs have been attended to and that they follow through on their end of the bargain.

PATIENTS RIGHTS: A SERVICE PATIENTS COUNT ON

Patients are consumers of healthcare services in many types of settings such as hospitals, long-term care, ambulatory care, home healthcare, rehabilitation centers and hospice care. When you respect and protect the rights of your patients, they will participate more in their care and become satisfied consumers of healthcare services. Excellent service is never an accident - it always involves a deliberate effort to identify and exceed expectations of each patient-consumer. The more you focus on patients' expectations, the more patients will perceive that you're interested in them and that you respect their rights.

THE RIGHT TO RESPECTFUL TREATMENT

Patients have the right to be treated with respect and courtesy always, and to be given prompt and reasonable responses to their questions and requests. You must always safeguard the dignity of your patients and be respectful of their personal values and beliefs.

THE RIGHT TO PRIVACY AND CONFIDENTIALITY

Every patient has the right to privacy and to confidential handling of all communications and records regarding his or her healthcare. The Health Information Portability and Accountability Act (HIPAA) was enacted in part to create new safeguards to protect patient's privacy and

confidentially. As a health care provider you have already practiced patient privacy and confidentiality. HIPAA now requires you to put those practices into written policies to protect the privacy and confidentiality of all patient information.

HIPAA gives patients the right to:

- Review provider and health plan Notice of Privacy Practices prior to signing a consent or authorization for use or disclosure of Personal Health Information (PHI).
- Request restrictions on who may have access to their PHI and to whom information is disclosed
- Revoke prior consents or authorizations to use PHI
- Examine and request copies of their PHI and request amendments and corrections
- Receive an accounting of disclosures of their PHI
- File a written formal complaint with the Secretary of Health and Human Services if they feel their privacy was violated

THE RIGHT TO BE IN COMMUNICATION

Your patients have the right to communicate with persons outside any facility in which they are seeking healthcare. This includes the right to receive visitors, mail, telephone calls and other communication as long as ongoing treatment is not compromised. Any restrictions on communication must be discussed with the patient. When the safety of a patient is in jeopardy from outside persons, as in the case of physical abuse, your facility must offer protection to the patient by not disclosing his or her presence at your facility.

THE RIGHT TO MAKE INFORMED DECISIONS

Patients (families or other designated persons when appropriate) have the right to a full explanation of diagnosis and proposed treatments and procedures in terms that are easily understood. This explanation must include benefits of the treatment, the risks involved, possible significant complications, the probable outcome of the treatment and alternative treatments available. Special forms documenting written consent are required for surgery, diagnostic procedures and therapeutic procedures. The patient has the right to an interpreter if necessary in order to understand all pertinent communication.

Furthermore, patients have the right to:

- Review any records pertaining to their healthcare and to have the information explained or interpreted as necessary, except when restricted by law.
- Know, at all times, the identity and professional status of all individuals providing any type of service, and to know which physician is primarily in charge of their care.
- Be informed of any affiliations existing between their healthcare facility and any educational institutions. Patients must be informed if their healthcare facility proposes to engage in or perform research associated with their care or treatment. This research must be fully explained to a patient before consent is sought, and the patient's written permission must be obtained.

THE RIGHT TO PARTICIPATE IN ALL ASPECTS OF HEALTHCARE

Patients have the right to be involved in all aspects of their care. They can, to the extent permitted by law, make decisions about the plan of their care prior to and during the course of treatment, and they must be informed of the medical consequences of their actions. When a patient refuses care, he or she is entitled to receive other appropriate care and services the facility provides or be transferred to another facility.

When the patient does not have the mental or physical capacity to make care decisions, or when the patient is a child, people other than (or in addition to) the patient may be involved in making care decisions for them. When the patient cannot make decisions regarding his or her own care, a surrogate decision-maker is identified. In the case of an unemancipated minor, the parent or legal guardian is responsible for approving care prescribed.

The patient has the right to exclude any or all family members from participating in his or her care decisions.

Some special considerations involving the rights of the mentally ill include:

- Humane, appropriate treatment
- Protection from harm in the treatment setting
- Freedom from unnecessary or excessive medication
- Freedom from physical restraint and isolation except in well-defined emergency situations
- Freedom from retaliation

THE RIGHT TO AN ADVANCE DIRECTIVE

Patients have the right to an advance directive, such as a living will, healthcare proxy or a durable power of attorney for healthcare. Through the advance directive, patients can make their wishes concerning medical treatment known to their healthcare provider(s) in case they become incapacitated, or they can designate a surrogate decision-maker. You and your facility must honor the intent of that directive to the extent permitted by law. Your facility has a system in place to advise patients of their right to an advance directive, to ask them if they have an advance directive and to assist them in developing one if they wish. Information concurring the advance directive must be included in the patient's record.

Patients, family and other decision-makers have the right to be involved in resolving dilemmas about care decisions. Issues that involve withholding resuscitative services or foregoing or withdrawing life-sustaining treatment can be especially difficult to resolve. Your facility has developed a decision-making process that must be followed consistently to assist patients, families, healthcare professionals and your facility when making these difficult decisions.

Dying patients and their families have unique needs for respectful, responsive care and have the right to be supported during the patient's final stages of life. Concern for the patient's comfort and dignity should guide all aspects of care. Patients also have the right to pastoral counseling.

THE RIGHT TO IMPARTIAL ACCESS TO CARE

Patients must be given impartial access to healthcare regardless of race, national origin, religion, age, creed, sex or sources of payment. Patients have the right to treatment for any emergency medical condition that will deteriorate if such treatment is not given. When a

facility cannot provide the care a patient requests, the staff must fully inform the patient of alternatives for care. If necessary, the facility may transfer the patient to another organization, providing the transfer is acceptable to the receiving organization.

Furthermore, patients have the right to expect reasonable continuity of care when appropriate and to be informed by their caregivers of available and realistic patient-care options when care at your facility is not longer appropriate.

KNOWLEDGE OF RIGHTS AND RESPONSIBILITIES IN RECEIVING CARE

Patients have the right to be informed of your facility's policies and practices that relate to patient care, treatment and responsibilities, including financial responsibility.

Each patient has the right to obtain a full explanation of the bills related to his or her healthcare, including an itemized explanation of the total bill for health services rendered. Patients may also expect timely notice of any refusal by third-party payers to pay charges.

Your facility, in compliance with JCAHO, has developed systems to receive, respond to and document patient complaints. Patients must be informed of this grievance process and cannot be penalized for complaining. Complaints from patients provide you and your facility with the opportunity to immediately make things right with the patient and to improve services for future patients.

PATIENTS HAVE RESPONSIBILITIES

In order to receive optimal care, patients and their families must fulfill certain responsibilities. Patients, or other designated persons, are responsible for:

- Providing accurate information about their present illness and past medical history
- Seeking clarification when necessary to fully understand their health problems and the proposed plan of action
- Following through on the agreed plan of care
- Following the rules and regulations of the healthcare facility and considering the rights of others
- Providing information for insurance claims and working with the healthcare facility to make payment arrangements when necessary

SUMMARY

When you respect the rights of your patients and when your patients participate responsibly in their own care, the result is effective and satisfying healthcare. By focusing on your patients as consumers, you will provide a service that meets their needs and exceeds their expectations.