

Charter of Patients' Rights and Responsibilities*

Introduction

Patients' rights refer to what is owed to the patient as a human being by the healthcare providers and the State. Patients' rights and responsibilities vary in different countries and in different jurisdictions. Prevailing cultural and social norms will determine the set of patients' rights and responsibilities in a particular country.

Undoubtedly, assuring that the rights of patients are protected requires much more than educating policy makers and healthcare providers. It requires educating citizens about what they should expect from their governments and their healthcare providers.

The Sri Lankan national health system should put in place, systems that guarantee the rights of patients, consumers, users, family members, weak populations and ordinary people at risk. We are at a stage where the public will not accept that patients' rights can be affirmed in theory, but then denied in practice, because of financial limits. Financial constraints, however justified, cannot legitimize denying or compromising patients' rights.

A. Patients' Rights

Right of Access to Healthcare Services and Right to Humane Treatment

- The right to receive medical advice and treatment which fully meets the currently accepted standards of care and quality regardless of age, sex, ethnic origin, religion, political affiliation or social class. The currently accepted standards are those adopted by a responsible body of the profession in the light of accepted medical practice.
- Healthcare services shall be available on the basis of clinical need regardless of the ability to pay. It shall be the responsibility of the government to ensure that every person has access to essential health services whenever the need arises.
- Right to a second opinion at any time.
- No patient care is abandoned by a healthcare professional worker or a health facility which initially takes responsibility for one's care.
- Healthcare providers shall display a positive disposition that demonstrates courtesy, human dignity, patience, empathy, tolerance, respect and which shall be without discrimination of any kind.
- All drugs prescribed and dispensed shall be of acceptable standards of quality, safety and efficacy as determined by the Drug Regulatory Authority of Sri Lanka.
- The right to prompt and timely emergency care in the nearest government or private sector health facility regardless of one's ability to pay.
- There shall be provision for special needs in case of new born infants, young children, pregnant women, the aged, disabled, and patients in pain, persons living with HIV/AIDS.
- *The right to ready access to palliative care that is effective and affordable in cases of incurable or terminal illness.*

* Drafted by Dr K. Balasubramaniam, Advisor and Co-ordinator, Health Action International Asia - Pacific.

Right to Information and Consent

- The right to information about what healthcare services are available and how to obtain them.
- The right to be given a clear description of a patient's medical condition with diagnosis, prognosis (ie. an opinion as to the likely future course of that illness) and of the treatment proposed including common risks and appropriate alternatives.
- The right to know the names of medications prescribed; the prices of the brand names and the prices of the generic equivalents of the medications prescribed.
- The right of the patient to choose between the brand name and its generic equivalent.
- All medications shall be labelled and shall include the generic or international non-proprietary name (INN). The labelling should also provide the following information.
 - The dosage and how often to be taken
 - The purpose of the medicine
 - Potential side effects
 - The avoidance of any food, beverages or other drugs
 - Duration of a course of treatment
- The right to an itemized account for the fees paid for consultation and treatment and to have this explained.
- Where it is appropriate to a patient's continued care and management, the patient shall be given advice about self-care, continued drug treatment, special precautions, life styles which may be necessary or desirable and the existence of special associations, facilities, aids or appliances which may be of assistance.
- The right to be given full and accurate information about the nature of one's illness, diagnostic procedures, the proposed treatment and the costs involved, for one to make an informed decision that affects any one of these elements.
- The right to choose whether or not to take part in medical research programmes.

Right to Privacy and Confidentiality

- The right to have one's privacy, dignity and religious and cultural beliefs respected.
- The right to ensure the details of the patient's condition, treatment, prognosis, and all communications and other details relating to the patient's care to be treated as confidential, unless
 - authorized in writing by the patient or parent or guardian in case of children
 - The information is required by due legal process.

Right to Complain

The right to complain about healthcare services whenever a patient has suffered a harm; to have such complaints investigated and the right to receive a response or other feed back.

For this purpose, a Public Complaints Bureau should be established and a Health Ombudsman appointed with overall responsibility of inquiring into complaints and recommending appropriate remedial action including redress to be taken in law in respect of both complaints of patients as well as in respect of the satisfaction of standards specified in the Charter on Health.

The health services ought to guarantee the exercise of this right, providing (with the help of third parties) patients with information about their rights, enabling them to recognize violations and to formalize their complaint. A complaint must be followed up by an exhaustive written response by the health service authorities within a fixed period of time.

The complaints must be made through standard procedures, facilitated by independent bodies and/or citizens' organizations and cannot prejudice the patients' right to take legal action or pursue alternative dispute resolution.

Right to Compensation

Each individual has the right to receive sufficient compensation within a reasonably short time whenever he or she has suffered physical, moral or psychological harm caused by a health service treatment.

The health services must guarantee compensation, whatever the gravity of the harm and its cause (from an excessive wait to a case of malpractice), even when the ultimate responsibility cannot be absolutely determined.

Right to Preventive Measures

- The right to a proper service in order to prevent illness. The health services have the duty to pursue this end by raising peoples' awareness, guaranteeing health procedures at regular intervals free of charge for various groups of population at risk, and making the results of scientific research and technological innovation available to all.

B. Patients' Responsibilities

The patient shall:

- ensure that she/he knows and understands what patients' rights are and shall use these rights reasonably and responsibly
- keep appointments, be on time and shall inform the health professional in advance if unable to do so.
- Give her/his health provider as much information as she/he can about the present health, whether consulting with or under the care of another healthcare provider or traditional healer in connection with the same complaint or any other complaint
- Use the healthcare system properly and not abuse it, not waste medical resources unnecessarily.
- Take good care of all health records in her/his possession.
- Comply with prescribed treatment or rehabilitative processes.
- Show consideration and respect for the rights of other patients and healthcare providers by following the hospital rules concerning patient conduct.
- Have a regular family doctor, dentist and pharmacist to ensure that there is continuing healthcare for the patient and patient's family.
- Seek a consultant's advice only when referred to by the family doctor or general practitioner.

Annexure

Guidelines for Implementing the Charter of Patients' Rights and Responsibilities

The dissemination and application of the contents of this Charter will have to be carried at national, regional and local levels.

Information and Education

As a means of informing and educating the public and healthcare workers this Charter may be promoted in all health institutions, mass media, in universities, schools and other appropriate public places.

Support

Support for and subscription to the Charter need to be gathered from healthcare stake-holders and civil society organizations. The special commitments of those health services and professionals that subscribe to the Charter should be defined.

Dialogue

It will be important to initiate a dialogue among the various stake-holders on the basis of the contents of the Charter in order to work out policies, programmes and action plans for the protection of patients' rights. Such a dialogue will take place among governmental authorities, public and private sector institutions involved in healthcare, professional associations of doctors, dentists, nurses & pharmacists, trade unions of healthcare workers and civil society organizations.

Legislation

The Charter rights and responsibilities may be incorporated into national laws and regulations in full or in part to make the goal of protecting patients' rights an ordinary part of public policies.