

#AMCOA2023



# ANNUAL CONFERENCE

ASSOCIATION OF MEDICAL COUNCILS OF AFRICA

Team Based Care and Regulation for the Attainment of Universal Health Care

Proudly Hosted By: Rwanda Medical and Dental Council



## Patients' Rights and Responsibilities, and the Responsibility of Health Practitioners

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# Outline



## Introduction



## WMA Declaration of Lisbon on the Rights of the Patient



## The Kenya National Patients' Rights Charter, 2013



## Other patients' rights charters



## Responsibilities of healthcare professionals



## Rights of healthcare professionals



## Emerging healthcare trends and the rights of patients







# Introduction (cont'd)

- **Patients' responsibilities:**
  - Refers to the specific duties that a patient must undertake in order to actively participate in their own healthcare.
  - Patients have a moral obligation to actively participate in their treatment
  - Competent patients can make decisions about their healthcare and be held accountable for them.



# World Medical Association Declaration of Lisbon on the Rights of the Patient

## PREAMBLE

“The relationship between physicians, their patients and broader society has undergone significant changes in recent times. **While a physician should always act according to his/her conscience, and always in the best interests of the patient, equal effort must be made to guarantee patient autonomy and justice.** The Declaration represents some of the principal rights of the patient that the medical profession endorses and promotes. Physicians and other persons or bodies involved in the provision of health care have a joint responsibility to recognize and uphold these rights. **Whenever legislation, government action or any other administration or institution denies patients these rights, physicians should pursue appropriate means to assure or to restore them.**”



# WMA Declaration of Lisbon (cont'd)

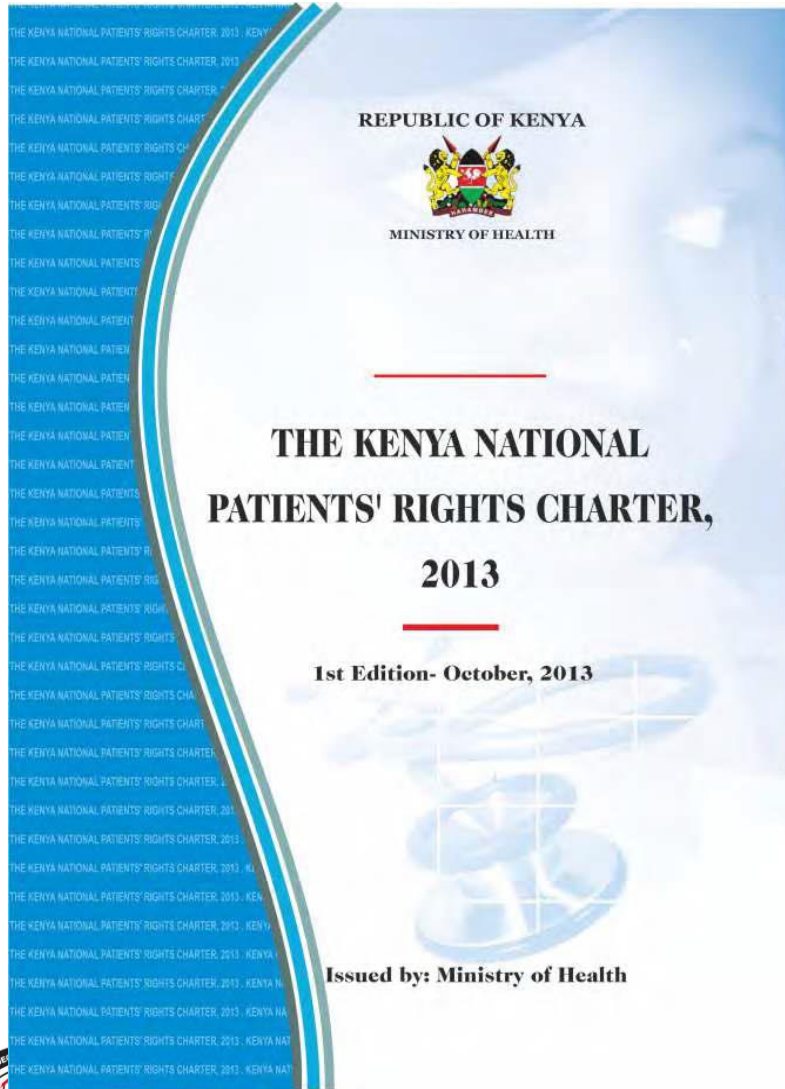
## • PRINCIPLES

- Right to medical care of good quality
- Right to freedom of choice
- Right to self-determination
- The unconscious patient
- The legally-incompetent patient
- Procedures against the patient's will
- Right to information
- Right to confidentiality
- Right to Health Education
- Right to dignity
- Right to religious assistance





# Country examples: The Kenya National Patients' Rights Charter, 2013



## The Constitution of Kenya, 2010

- Article 43:
  - (1) Every person has the right—
    - (a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;
  - (2) A person shall not be denied emergency medical treatment.

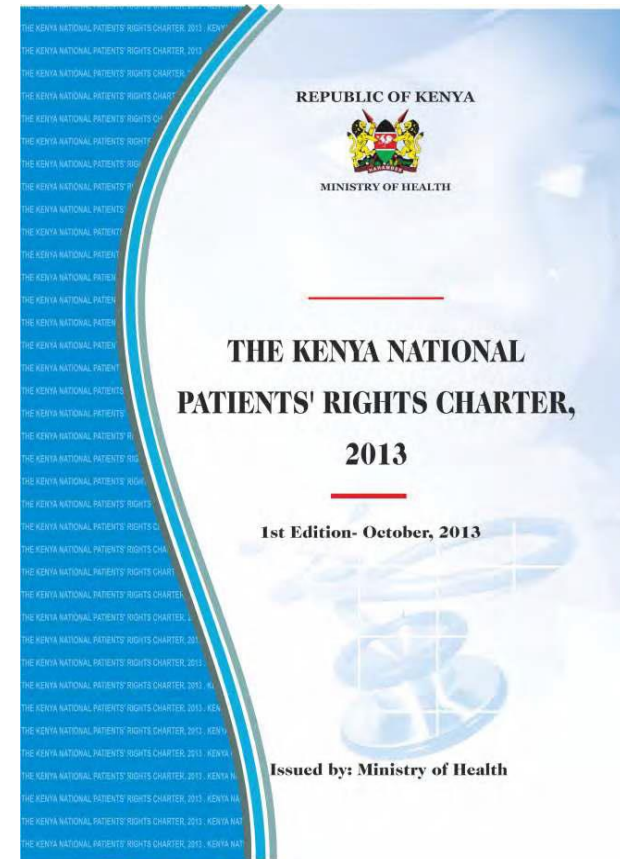


# The Kenya National Patients' Rights Charter, 2013 (cont'd)

## • Patients' rights

Every person, patient or client has a:

- Right to access healthcare
- Right to the highest attainable quality of healthcare products and services
- Right to receive emergency treatment
- Right to be treated with respect and dignity
- Right to choose a healthcare provider
- Right to confidentiality
- Right to informed consent to treatment

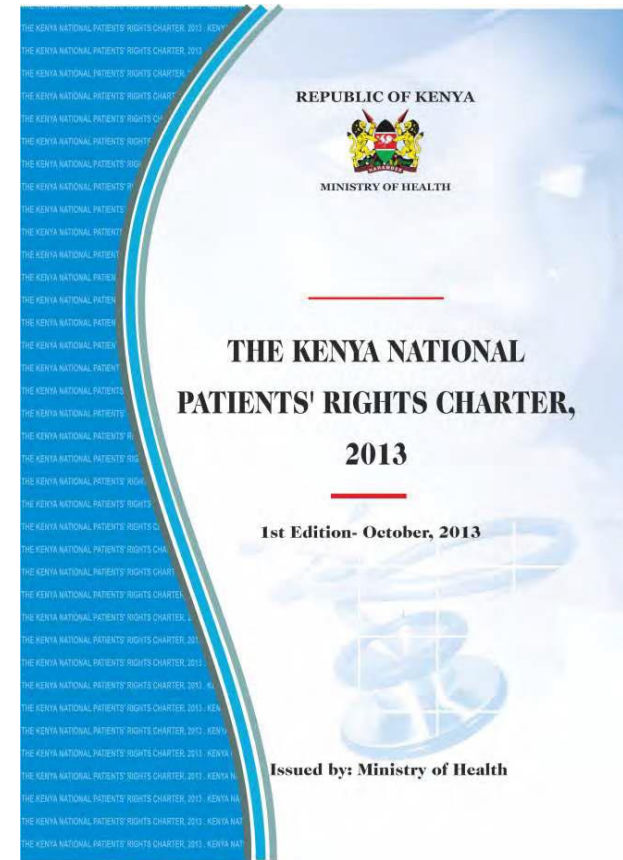




# The Kenya National Patients' Rights Charter, 2013 (cont'd)

## • Patients' rights (cont'd)

- Right to information
- Right to a second medical opinion
- Right to refuse treatment
- Right to complain
- Right to insurance coverage without discrimination on the basis of age, pregnancy, disability or illness including mental disorders
- Right to be informed all the provisions of one's medical scheme or health insurance policy
- Right to donate his/her organs and/or any other arrangements or wishes upon one's demise



# The Kenya National Patients' Rights Charter, 2013 (cont'd)

## • Patients' responsibilities

Every patient has the following responsibilities:

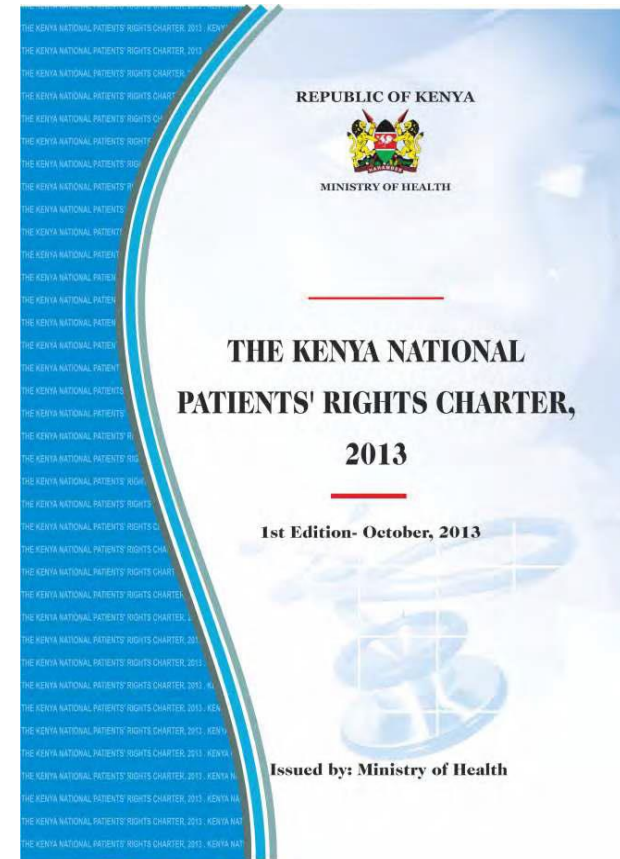
- To take care of his/her health by adopting a healthy lifestyle
- If the patient is a minor, protection, care and healthy lifestyle of the minor shall be the responsibility of the patient or guardian of the minor
- To adopt a positive attitude towards their health and life
- To protect the environment
- To respect the rights of others and not endanger their life and health
- To be aware of the available healthcare services in his/her locality and to make informed choices when utilising such services responsibly



# The Kenya National Patients' Rights Charter, 2013 (cont'd)

## • Patients' responsibilities (cont'd)

- When an adult patient is not competent to make decisions on healthcare services, the spouse, next of kin and/or guardian, where applicable, shall accord protection and care to the patient.
- To seek treatment at the earliest opportunity
- To keep scheduled appointments, observe time and, if not possible, communicate to the healthcare provider
- To give healthcare providers relevant and accurate information to facilitate diagnosis, treatment, rehabilitation and/or counselling while being truthful and honest about past healthcare

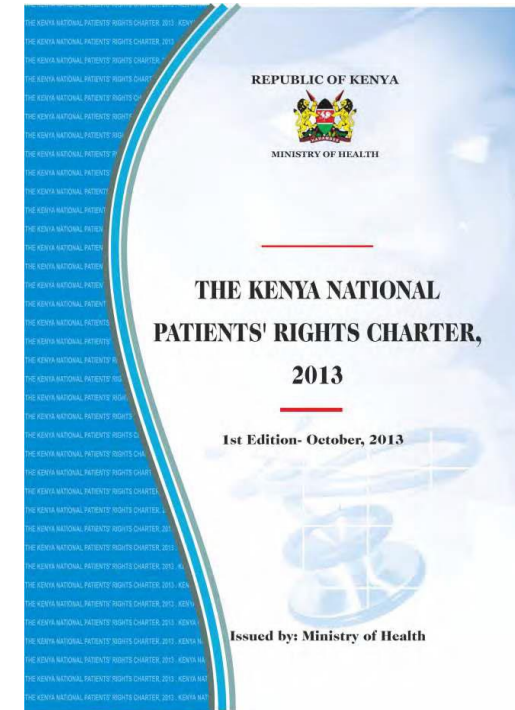




# The Kenya National Patients' Rights Charter, 2013 (cont'd)

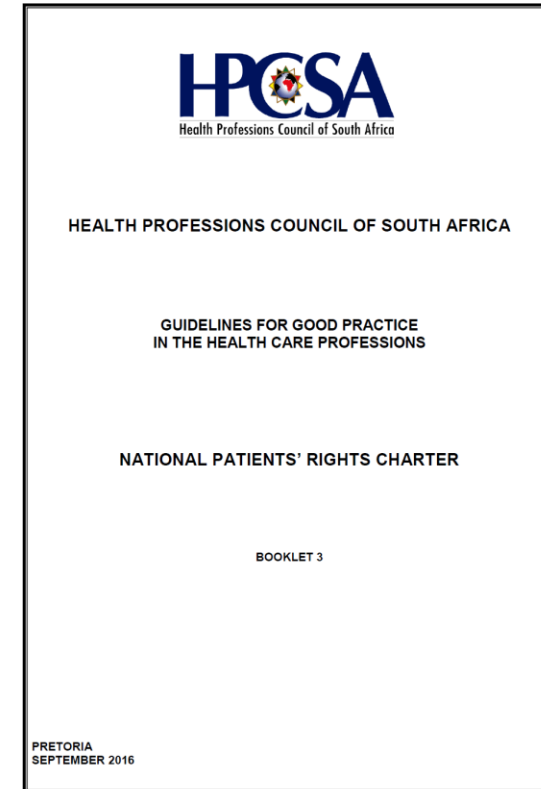
## • Patients' responsibilities (cont'd)

- To follow instructions, adhere to and not abuse or misuse prescribed medication or treatment and/or rehabilitation requirements
- To enquire about the costs of treatment and rehabilitation and to make appropriate arrangements for payments
- To take care of the health records in his/her possession and produce them if and when required by the healthcare provider
- To inform the healthcare providers, where necessary, when one wishes to donate his/her organs and/or any other arrangements or wishes upon one's demise
- To express any concerns through the right channels confidentially



# Other Country's patients' rights charters

- **Health Professions Council of South Africa (HPCSA) *National Patients' Rights Charter* (2016)**
  - Patients' rights:
    - Healthy and safe environment
    - Participation in decision-making
    - Access to healthcare
    - Knowledge of one's health insurance medical scheme
    - Choice of health services
    - Treated by a named healthcare provider
    - Confidentiality and privacy
    - Informed choice
    - Refusal of treatment
    - A second opinion
    - Continuity of care
    - Complaints about health services



# Other Country's patients' rights charters (cont'd)

## • HPCSA National Patients' Rights Charter (cont'd)

### • Patients' responsibilities:

- To take care of his or her own health.
- To care for and protect the environment.
- To respect the rights of other patients and health care providers.
- To utilise the health care system properly and not to abuse it.
- To know his or her local health services and what they offer.
- To provide health care providers with relevant and accurate information for diagnostic, treatment, rehabilitation or counselling purposes.
- To advise health care providers of his or her wishes with regard to his or her death.
- To comply with the prescribed treatment or rehabilitation procedures.
- To enquire about the related costs of treatment and/or rehabilitation and to arrange for payment.
- To take care of the health records in his or her possession.



Health Professions Council of South Africa





# Other Country's patients' rights charters (cont'd)

- **American Medical Association (AMA)  
Code of Medical Ethics (2016)**



- **Patients' rights**

- To courtesy, respect, dignity, and timely, responsive attention to his or her needs.
- To receive information from their physicians and to have opportunity to discuss the benefits, risks, and costs of appropriate treatment alternatives, including the risks, benefits and costs of forgoing treatment.
- To ask questions about their health status or recommended treatment when they do not fully understand what has been described and to have their questions answered.



# Other Country's patients' rights charters (cont'd)

- **AMA Code of Medical Ethics (cont'd)**

- Patients' rights (cont'd)

- To make decisions about the care the physician recommends and to have those decisions respected.
- To have the physician and other staff respect the patient's privacy and confidentiality.
- To obtain copies or summaries of their medical records.
- To obtain a second opinion.
- To be advised of any conflicts of interest their physician may have in respect to their care.
- To continuity of care.



# Other Country's patients' rights charters (cont'd)

- **AMA Code of Medical Ethics (cont'd)**



- **Patients' responsibilities**

- Patients contribute to the collaborative effort *[towards successful medical care]* when they:
  - Are truthful and forthcoming with their physicians and strive to express their concerns clearly.
  - Provide as complete a medical history as they can, including providing information about past illnesses, medications, hospitalizations, family history of illness, and other matters relating to present health.
  - Cooperate with agreed-on treatment plans.
  - Accept care from medical students, residents, and other trainees under appropriate supervision.





# Other Country's patients' rights charters (cont'd)

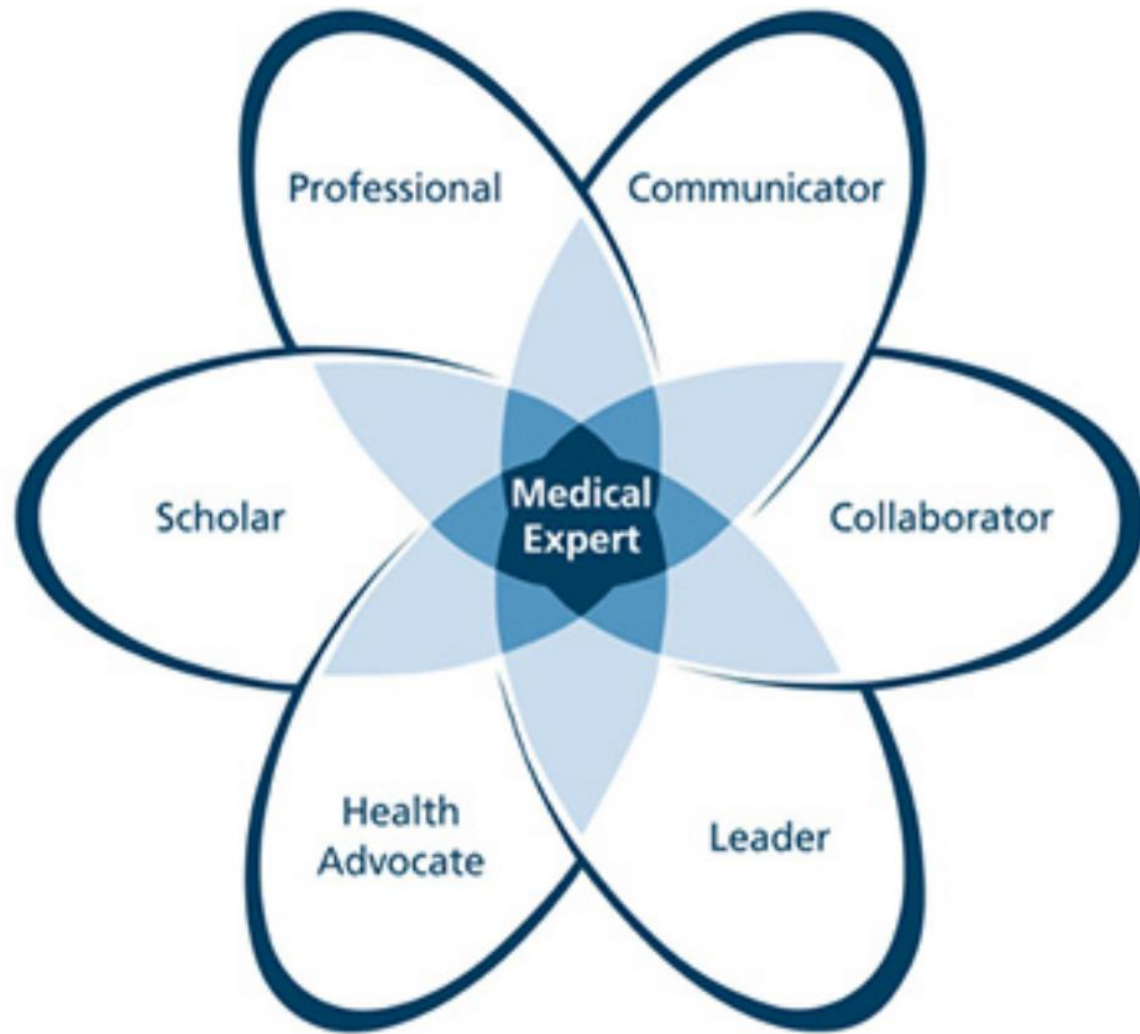
- **AMA Code of Medical Ethics (cont'd)**

- Patients' responsibilities (cont'd)

- Meet their financial responsibilities with regard to medical care or discuss financial hardships with their physicians.
- Recognize that a healthy lifestyle can often prevent or mitigate illness and take responsibility to follow preventive measures and adopt health-enhancing behaviors.
- Be aware of and refrain from behavior that unreasonably places the health of others at risk.
- Refrain from being disruptive in the clinical setting.
- Not knowingly initiate or participate in medical fraud.
- Report illegal or unethical behavior by physicians or other health care professionals to the appropriate medical societies, licensing boards, or law enforcement authorities.



# Responsibilities of Healthcare Professionals (cont'd)



## Core competencies for doctors

**Medical Expert**

**Communicator**

**Collaborator**

**Leader**

**Health Advocate**

**Scholar (Lifelong learner)**

**Professional**

# Responsibilities of Healthcare Professionals

- Keep his/her professional knowledge and skills up to date;
- Observe the laws of the country, especially in relation to his/her professional practice;
- Maintain the highest standards of personal conduct and integrity;
- Take care of their own health, safety and wellness, and encourage their colleagues to do the same;
- Act in the best interests of his/her patients;
- Respect patient confidentiality, privacy, choices and dignity;





# Responsibilities of Healthcare Professionals (cont'd)

- Provide adequate information about the patient's diagnosis, treatment options and alternatives, costs associated with each such alternative and any other pertinent information to enable the patient to exercise a choice in terms of treatment and informed decision-making pertaining to his or her health and that of others;
- Maintain proper and effective communication with his or her patients and other professionals;
- Obtain informed consent from a patient or, in the event that the patient is unable to provide consent for treatment himself or herself, from his or her next of kin/ guardian/ medical proxy;
- Keep accurate patient records;



# Responsibilities of Healthcare Professionals (cont'd)

- Participate in activities that contribute to the improvement of the community and the betterment of public health;
- Expose without fear or favour, any incompetent, corrupt, dishonest or unethical conduct by members of the profession;
- Safeguard the profession against admission to it of persons who are deficient in moral character, education or skill; and
- Not permit unqualified, unlisted or unregistered persons to attend to, treat or perform procedures on patients whenever professional skill or discretion is required.



# Rights of Healthcare Professionals



- Can be categorised as:
  - Rights of healthcare professionals as citizens
  - Rights of healthcare professionals as workers
  - Rights of healthcare professionals as healthcare workers



source: [www.intrahealth.org](http://www.intrahealth.org)





# Rights of Healthcare Professionals (cont'd)

- Rights of health professionals as citizens
  - Fundamental human rights and freedoms enshrined in the country's "Bill of Rights"
  - Include among others the rights to life, privacy, security, freedom equal treatment under the Law, assemble, picket, health and vote
  - Includes among others the freedoms of movement, association, trade, to live anywhere make political choices
- Rights of health professionals as workers
  - Entitled to work in safe and conducive working environments that secure the safety, health and welfare of persons at work and protect them against risks to their health arising from or in connection with activities of persons at work
  - As provided by The Occupational Safety and Health Act (No, 15 of 2007)



# Rights of Healthcare Professionals (cont'd)

- Rights of healthcare professionals as healthcare workers
  - **Not to be threatened, harassed, bullied or exploited** in any manner by any person or institution;
  - Be involved in **the continuous improvement of their knowledge, skills and competence** through training, CPD/ CME and access to information, in order to perform the tasks required of them;
  - Be paid a **fair remuneration** for services rendered in a timely manner;
  - **Fair labour practices** including fair dispensations of working hours, overtime, leave, working conditions and other benefits, and the right to have their grievances taken up at appropriate forums;
  - A **safe working environment** that is not harmful to their health and well-being including the provision of personal protective equipment, post-exposure prophylaxis, medical management to prevent or control their own illness, protection from violence, and appropriate psychosocial support to manage stressful situations;



# Rights of Healthcare Professionals (cont'd)

- Rights of healthcare professionals as healthcare workers (cont'd)
  - **Clinical independence**, including the right to make decisions about their professional practice and the right not to be compelled to offer or perform any unnecessary, unscientific, unproven, harmful, cruel, inhumane, demeaning, derogatory and/or humiliating examinations, tests or treatments;
  - Have access to **appropriate physical facilities and equipment** and receive **adequate and appropriate supplies and materials** in order to provide services at an acceptable level of quality;
  - Be assured that whatever the level of care at which they are working, they will receive **supportive supervision and back up** from other individuals or units, and
  - **Reasonable accommodation of their personal religion, beliefs and opinions**, provided that they respect the religions, beliefs and opinions of others, and do not cause undue distress to others.





# Emerging issues in healthcare and patient's rights

## 21<sup>st</sup> Century challenges in healthcare

- Epidemiologic transition
- Demographic transition
- Climate change
- Globalisation
- Medicolegal challenges
- Health system challenges

## Technological advancements

- Use of disruptive technologies in training, consultation and treatment
- Electronic medical records/ health information management systems (HMIS)
- Advancements in mobile technology
- New diagnostic tools
- Novel prevention methods



# Emerging issues in healthcare and patient's rights (cont'd)

## Points to ponder:



Do existing patients' rights charters effectively address the emerging trends in healthcare?



What gaps exist?



What needs to be done to address these gaps?

# Conclusion

- Patients' rights are subset of human rights applied in the specific context of medical treatment.
- Patients' responsibilities refer to specific duties that a patient must undertake so as to fulfill their moral obligation of active participation in their own healthcare.
- Healthcare professionals' rights can be categorised into their rights as citizens, as workers and as healthcare workers.
- Healthcare professionals have a responsibility to ensure that they are well equipped to provide the highest quality of care to their patients while ensuring their own safety and health.
- There is need to periodically review existing patients' rights charters and health professionals' codes of conduct to effectively address challenges posed by emerging trends in healthcare.





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# Thank You!



Questions?

Comments?

Suggestions?

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