

# Patients' Rights

## **Lesson 1: Objectives**

Upon completion of this course, you will be able to:

- ❖ Identify the rights and responsibilities of the patient and how this information is provided to them.

### *Introduction*

Both you and your organization are responsible for the protection and promotion of each patient's rights. A patient must understand their rights in order to exercise their rights. This includes the right to treatment, communication, informed decisions, privacy, safety, and visitation. The patient must also understand their responsibilities to the organization. The delivery of healthcare is enhanced when patients are partners in the process.

## **Lesson 2: Notice of Rights**

Information on patients' rights is given to the patient in the appropriate language or method of communication (such as Braille) at the earliest opportunity depending upon his/her medical condition. This information is also available for individuals involved in the care of the patient or part of their support system since they too need to understand the patient's rights.

Quiz Question:

Information on patients' rights must be given to the patient in a language that they understand.

**\*True** or False

## **Lesson 3: Right to Treatment**

Your organization is professionally and ethically responsible for providing care, treatment, and services within its capability and mission, and the law. In an emergency situation, the Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospitals provide a screening exam to determine if an emergency condition exists, stabilize the patient before transfer, and continue treatment until the patient can be discharged or transferred without harm, in a non-discriminatory manner to anyone, regardless of their ability to pay, national origin, race, creed or color.

## **Lesson 4: Right to Communication**

Each patient has the right to receive open and honest communication regarding his/her health status and the outcomes of care, treatment, and services, including unanticipated outcomes. The patient has the right to be involved in making decisions and resolving dilemmas. This includes the right to participate in the creation, implementation and update of his/her treatment or care plan, discharge plan, and pain management plan.

Quiz Question:

The patient must not be told about unanticipated outcomes of their care.

True or **\*False**

### **Lesson 5: Informed Consent**

(NOTE: You may wish to add-on your organization's policy and procedure on informed consent.)

The patient or his/her representative has the right to make informed decisions regarding care, treatment, services, medications, interventions, and procedures. An informed decision can only be made when the patient or his/her representative is given enough information to enable him/her to fully understand and agree to or refuse the care. This information must be offered in understandable terms using an appropriate language or method of communication. Medical procedures or treatments must be explained including its purpose, benefits, likelihood of success, risks and side effects, potential problems that might occur during recovery, and who will perform the task. The patient must be informed of the risks and prognosis if the procedure or treatment is not provided and alternative methods (if any) with its risks, benefits, and side effects. You should encourage the patient to ask questions. Your organization has determined which decisions require informed consent and the completion of a consent form. When a consent form is required, the patient or his/her representative must sign, date, and time the form in addition to the individuals who provide the information and witness the consent. The patient's signature means that they have a complete understanding and they agree to, or refuse, the procedure or treatment.

Quiz Question:

A patient has the right to refuse:

- a. medications
- b. treatment
- c. procedures
- d. **\*all of the above**

### **Lesson 6: Advance Directives**

(NOTE: You may wish to add-on information about your organization's advance directive policies and procedures.)

Every patient is provided information concerning his/her right to create, update or withdraw an advance directive (such as a living will, healthcare proxy, or medical power of attorney) at the earliest opportunity depending on his/her medical condition. The advance directive should be placed in the patient's medical record to be consulted if the patient is unable to make decisions for him/herself. An advance directive can provide guidance as to a patient's wishes about certain healthcare choices or the delegation of decision-making to another individual. If such an individual has been selected by the patient, information should be provided to him/her so that informed decisions can be made for the patient. The presence or lack of an advance directive does not determine an individual's access to care. Staff is available to help patients create an advance directive upon request.

Quiz Question:

An advance directive is consulted if the patient is unable to make decisions for himself.

**\*True** or False

## **Lesson 7: Right to Privacy**

(NOTE: You may wish to add-on information on your organization's HIPAA policies and procedures.)

Each patient has the right to personal privacy, including the right to respect, dignity, and comfort. Each patient must be provided privacy during personal hygiene activities, exams or treatments, when discussing care issues, and as requested. Individuals not involved in the care of the patient should not be present without the patient's consent during these activities.

The right to personal privacy also includes limiting the release of patient information such as his/her presence or location in the healthcare facility. Follow your organization's procedure for providing this information to families or significant others in situations where the patient is unable to make their wishes known, such as in an emergency. Confidentiality of the patient's personal information, such as name, age, or health information, and medical records must also be maintained. Access to this information is limited to individuals who have a need to know. The patient has the right to access his/her medical records, except under limited circumstances. Refer to your organization's Health Insurance Portability and Accountability Act (HIPAA) policies and procedures for more information.

Quiz Question:

The following information is confidential:

- a. the patient's age

- b. the patient's health information
- c. the patient's location within the facility
- d. **\*all of the above**

## **Lesson 8: Right to Safety**

(NOTE: You may wish to add-on information about your organization's criteria and tools for keeping patients safe.)

Each patient has the right to receive care in a safe setting. Employees must protect the patient's emotional health and safety as well as his or her physical safety.

Each patient has the right to be free from all forms of abuse, neglect, or exploitation whether from staff, other patients, visitors, or other persons.

- Abuse includes physical, emotional, and sexual abuse and is defined as the intentional maltreatment of an individual which may cause physical or psychological injury. Abuse also includes financial abuse.
- Neglect is the absence of services or resources that meets a person's basic needs.
- Exploitation occurs when a patient is taken advantage of to benefit another person.

Patients at risk of suicide, other forms of self-harm, or exhibiting violent behaviors toward others may receive healthcare services in both inpatient and outpatient locations. Non-psychiatric settings must identify patients at risk for intentional harm to self or others, recognize and alleviate environmental safety risks and protect those demonstrating suicidal thoughts. Safety measures may include one-to-one monitoring with continuous visual observation and the removal of sharp objects and equipment that can be used as a weapon.

Safety risks in a psychiatric setting include but are not limited to the presence of anything which could be used to attach a cord, rope, or other material for hanging or strangulation (referred to as ligature risks), furniture that can be easily moved or thrown, sharp objects, areas out of the view of staff, access to plastic bags for suffocation, oxygen tubing and other equipment, breakable windows, access to medications, harmful substances, or light fixtures, and non-tamper proof screws, etc.

Your organization is committed to keeping patients safe and has developed criteria and tools for staff to use. Any event or occurrence that may involve or contribute to abuse, neglect, or exploitation or if a safety risk in the care environment is identified, these must be immediately reported, investigated, and appropriate actions taken.

Quiz Question:

Select all of the safety risks:

- \*Cord
- \*Oxygen tubing
- \*Medications
- \*Furniture
- \*Harmful substances
- \*Light fixtures
- \*Plastic bag
- \*Scissors

### **Lesson 9: Right to Visitation**

Each patient has visitation rights and must be informed of these rights, including any clinical restrictions or limitations. Patients have the right to receive the visitors whom they designate, including a spouse, domestic partner (including a same-sex domestic partner), another family member or friend, subject to the patient's consent. The patient may withdraw or deny such consent at any time. Employees cannot restrict, limit, or otherwise deny visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability. Employees must ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences.

### **Lesson 10: Right to File a Complaint**

(NOTE: You may wish to add-on information about your organization's grievance reporting/resolution process.)

Each patient or his/her representative has the right to file a complaint (or grievance) when issues regarding services or care are not resolved promptly by staff. The healthcare organization must inform each patient of who to contact to file a grievance, including state authorities. The organization must review, investigate and resolve each grievance within a reasonable time frame. Patients can freely voice complaints or recommend changes without being subject to cruelty, discrimination, payback, or unreasonable interruption of care.

Quiz Question:

Each patient has the right to file a complaint when issues regarding services or care are not resolved promptly by staff.

\*True or False

### **Lesson 11: Patient Responsibilities**

Healthcare organizations have the right to reasonable and responsible behavior by their patients, within their capabilities, and their families. Staff provides education on the responsibilities of the patient upon entry to the organization and as needed. The patient is responsible for providing accurate and complete information about matters relating to

their health. The patient must ask questions when they do not understand the care, treatment, or service, or what they are expected to do. The patient must follow instructions regarding the plan of care or inform staff when they are unable to follow the instructions. The patient must accept consequences that result when they do not follow instructions. Patients must follow the organization's rules and regulations and show respect and consideration for staff and property, as well as other patients and their property. Lastly, patients should promptly meet any financial obligation agreed to with the organization.

## **Lesson 12: Code of Ethics**

(NOTE: You may wish to add-on information on your organization's code of ethics or Ethics Committee.)

A code of ethics is a formal statement of your organization's values on matters such as behavior and professional standards of practice. Your organization conducts business and patient care practices in an ethical manner. Every patient has the right to receive care with kindness, compassion, and respect for cultural, psychosocial, spiritual, and personal beliefs and values.

Many organizations have an Ethics Committee that can be consulted regarding ethical situations related to both business and patient care, determine whether a violation of the code of ethics occurred and, if so, work toward a resolution.

Quiz Question:

Every patient has the right to receive:

- a. care with kindness
- b. care with compassion
- c. care with respect for cultural, psychosocial, spiritual, and personal beliefs and values
- d. **\*all of the above**

## **Lesson 13: Conclusion**

(NOTE: You may wish to display the contact information for the appropriate personnel within your organization.)

The delivery of healthcare is enhanced when patients are partners in the process. Your organization is committed to the protection and promotion of each patient's rights. And it takes your help. If you have any questions about Patients' Rights, contact the appropriate personnel within your organization for guidance and assistance.

## **Test Questions** (10 questions Pre-test or 5 questions Post-test)

### **Pool 1 (6 or 3 questions)**

#### **MULTIPLE CHOICE**

1. Safety measures for patients at risk of suicide, other forms of self-harm, or exhibiting violent behaviors towards others may include:
  - a. One-to-one monitoring with continuous visual observation of the patient.
  - b. Removal of sharp objects from the patient's area.
  - c. Removal of equipment from the patient's area.
  - d. All of the above.
  
2. All patients have the right to:
  - a. Safety.
  - b. Privacy.
  - c. Treatment.
  - d. All of the above.
  
3. A patient has the right to refuse:
  - a. Medications.
  - b. Treatment.
  - c. Procedures.
  - d. All of the above.
  
4. Procedures or treatments must be explained to the patient. This includes:
  - a. The purpose.
  - b. Benefits and risks.
  - c. Alternative procedures or treatments.
  - d. All of the above.
  
5. The following information is confidential:
  - a. The patient's age.
  - b. The patient's health information.
  - c. The patient's location within the facility.
  - d. All of the above.
  
6. Abuse includes:
  - a. Physical.
  - b. Emotional.
  - c. Sexual.
  - d. All of the above.
  
7. The patient is responsible for which of the following:
  - a. Providing accurate and complete information.
  - b. Following instructions and informing staff when they are unable to do so.

- c. Following the organization's rules and regulations.
- d. All of the above.

8. Every patient has the right to receive:

- a. Care with kindness.
- b. Care with compassion.
- c. Care with respect for cultural, psychosocial, spiritual, and personal beliefs and values.
- d. All of the above.

9. Information on patients' rights:

- a. Is only provided to the patient upon written request.
- b. Is only provided in English.
- c. Is written using very technical words that no one can understand.
- d. Is provided in a language that is understood by the patient.

**Pool 2 (4 or 2 questions)**

**TRUE/FALSE**

10. Information on patients' rights must be given to the patient in a language that they understand.

11. Information on patients' rights is given to the patient at the earliest opportunity.

12. Individuals involved in the care of the patient or part of their support system need to understand the patient's rights.

13. In an emergency situation, a patient has a right to treatment, regardless of their ability to pay.

14. The patient must not be involved in the creation of a pain management plan.

15. The patient must not be told about unanticipated outcomes of their care.

16. An advance directive guides care if a patient is unable to make decisions for himself.

17. It is acceptable for the patient to sign a consent form when they do not understand the procedure if you plan to explain later.

18. Only patients in the Emergency Department have the right to privacy and safety.

19. Each patient has the right to file a complaint when issues regarding services or care are not resolved promptly by staff.

20. It is acceptable for healthcare providers to be cruel to patients who complain about their care.

21. Employees must ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences.

# Patients' Rights - Clinics

## **Lesson 1: Objectives**

Upon completion of this course, you will be able to:

- ❖ Identify the rights and responsibilities of the patient and how this information is provided to them.

### *Introduction*

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## **Lesson 2: Notice of Rights**

Information on patients' rights is given to the patient in the appropriate language or method of communication (such as Braille) at the earliest opportunity depending upon his/her medical condition. This information is also available for individuals involved in the care of the patient or part of their support system since they too need to understand the patient's rights.

Quiz Question:

Information on patients' rights must be given to the patient in a language that they understand.

**\*True** or False

## **Lesson 3: Right to Treatment**

Your organization is professionally and ethically responsible for providing care, treatment, and services within its capability and mission, and the law. In an emergency situation, the Emergency Medical Treatment and Active Labor Act (EMTALA) requires hospitals provide a screening exam to determine if an emergency condition exists, stabilize the patient before transfer, and continue treatment until the patient can be discharged or transferred without harm, in a non-discriminatory manner to anyone, regardless of their ability to pay, national origin, race, creed or color.

## **Lesson 4: Right to Communication**

Each patient has the right to receive open and honest communication regarding his/her health status and the outcomes of care, treatment, and services, including unanticipated outcomes. The patient has the right to be involved in making decisions and resolving dilemmas. This includes the right to participate in the creation, implementation and update of his/her treatment or care plan, discharge plan, and pain management plan.

Quiz Question:

The patient must not be told about unanticipated outcomes of their care.

True or **\*False**

### **Lesson 5: Informed Consent**

(NOTE: You may wish to add-on your organization's policy and procedure on informed consent.)

The patient or his/her representative has the right to make informed decisions regarding care, treatment, services, medications, interventions, and procedures. An informed decision can only be made when the patient or his/her representative is given enough information to enable him/her to fully understand and agree to or refuse the care. This information must be offered in understandable terms using an appropriate language or method of communication. Medical procedures or treatments must be explained including its purpose, benefits, likelihood of success, risks and side effects, potential problems that might occur during recovery, and who will perform the task. The patient must be informed of the risks and prognosis if the procedure or treatment is not provided and alternative methods (if any) with its risks, benefits, and side effects. You should encourage the patient to ask questions. Your organization has determined which decisions require informed consent and the completion of a consent form. When a consent form is required, the patient or his/her representative must sign, date, and time the form in addition to the individuals who provide the information and witness the consent. The patient's signature means that they have a complete understanding and they agree to, or refuse, the procedure or treatment.

Quiz Question:

A patient has the right to refuse:

- a. medications
- b. treatment
- c. procedures
- d. **\*all of the above**

### **Lesson 6: Advance Directives**

(NOTE: You may wish to add-on information about your organization's advance directive policies and procedures.)

Every patient is provided information concerning his/her right to create, update or withdraw an advance directive (such as a living will, healthcare proxy, or medical power of attorney) at the earliest opportunity depending on his/her medical condition. The advance directive should be placed in the patient's medical record to be consulted if the patient is unable to make decisions for him/herself. An advance directive can provide guidance as to a patient's wishes about certain healthcare choices or the delegation of decision-making to another individual. If such an individual has been selected by the patient, information should be provided to him/her so that informed decisions can be made for the patient. The presence or lack of an advance directive does not determine an individual's access to care. Staff is available to help patients create an advance directive upon request.

Quiz Question:

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The right to personal privacy also includes limiting the release of patient information such as his/her presence or location in the healthcare facility. Follow your organization's procedure for providing this information to families or significant others in situations where the patient is unable to make their wishes known, such as in an emergency. Confidentiality of the patient's personal information, such as name, age, or health information, and medical records must also be maintained. Access to this information is limited to individuals who have a need to know. The patient has the right to access his/her medical records, except under limited circumstances. Refer to your organization's Health Insurance Portability and Accountability Act (HIPAA) policies and procedures for more information.

Quiz Question:

The following information is confidential:

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Safety risks in a psychiatric setting include but are not limited to the presence of anything which could be used to attach a cord, rope, or other material for hanging or strangulation (referred to as ligature risks), furniture that can be easily moved or thrown, sharp objects, areas out of the view of staff, access to plastic bags for suffocation, oxygen tubing and other equipment, breakable windows, access to medications, harmful substances, or light fixtures, and non-tamper proof screws, etc.

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Quiz Question:

Select all of the safety risks:

- \*Cord
- \*Oxygen tubing
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- \*Furniture
- \*Harmful substances
- \*Light fixtures
- \*Plastic bag
- \*Scissors

### **Lesson 9: Right to Visitation**

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**Pool 2 (4 or 2 questions)**

**TRUE/FALSE**

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