

# PATIENT RIGHTS & RESPONSIBILITIES



## Know your Rights!

### What is The Patient Bill of Rights?

- A list of patients rights that gives **guidance and protection** to patients when receiving treatment to ensure they obtain the most **benefit possible** from the health care they receive
- the Patient Bill of Rights (**Bill C-261**) is a "Private Members Bill"
  - = has not been made **law**
- Patient's Rights in Canada, fall into 4 main categories:
  - Disclosure
  - Privacy
  - Access
  - Consent



### 1. Full Disclosure

- the right to be **fully informed** of:
  - their **medical condition**
  - **treatment options** available and **risks** associated with those options
  - **qualifications** of their health care provider



### 2. Privacy

- the right to privacy with regards to:
  - communicating with health professionals
    - = they are required to keep all information **confidential**
  - health care records
    - = **access** to records is **restricted** to public health services specifically for treatment



### 3. Access

- access to and copies of all **personal health records**
- the right to a **second opinion** with regards to diagnosis and treatment



### 4. Consent to Medical Treatment

- the right to accept or reject **medical interventions** (verbally or in writing)
- for consent to be considered valid:
  - it must be **voluntary**
  - the patient must be **legally competent** to consent
    - = must be a "mature minor" (SK ~ 16) & mentally stable
  - the patient must be properly **informed**
    - = health care provider must tell you about the nature & consequences of the treatment before you consent to it



- "medical interventions" requiring informed consent include:
  - physical **examinations**
  - taking **blood**
  - injecting **vaccines** or other **drugs**
  - exposing the patient to **radiation** as a part of a diagnosis
  - effects of medications including **interactions** with other drugs

- If you are incapable of consenting to treatment (i.e. you are a minor, unconscious or admitted for psychiatric treatment), then the doctor has the right to do whatever is necessary to save your life or to prevent lasting physical/mental harm unless you have an **Advance Care Directive**



- **Advance Care Directive (Living Will)**
  - = a **summary** of the kinds of medical care you want if you aren't able to make decisions for yourself.
  - tells **your family & doctor** what to do if you are badly hurt or have an illness that keeps you from **saying** what you want
  - lets you **appoint** somebody to make health care decisions for you if you can't make them for yourself.
- **Substitute Decision Maker (Proxy)**
  - = a person you choose in advance to make health care decisions for you in the event that you can't make them for yourself such as if you are **severely injured** or **unresponsive** these decisions may center around:
    - **treatment**
    - **end of life**
  - may also be called a health care representative, agent, or **proxy**.
  - can use information in your advanced care directive, and can make decisions such as agreeing to **surgery**, refusing to have you placed on **life-support**, or choosing to have you taken off of life-support machines

<http://www.proxycare.com> [www.advancecare.com](http://www.advancecare.com) [www.scheyo.com](http://www.scheyo.com)

### What Are The Patient's Responsibilities?

- In order to ensure the best possible result of medical treatments, patients have responsibilities that must be fulfilled. These are:
  - **Providing accurate and complete information** about medical complaints, past illnesses, hospitalizations, medications, pain, and other matters relating to their health.



- **Following the treatment plan** recommended by those responsible for their care.
- **Accepting consequences** if they refuse treatment or do not follow the healthcare team's instructions.
- **Following rules & regulations** set out by Health Canada and Saskatchewan Health



"Which celebrities should I follow to get the best medical advice?"

### Scenario 1:

Mr. Jones, a successful tax accountant, has been diagnosed with an invasive melanoma (skin cancer). His dermatologist wishes to excise the cancer as soon as possible. Despite being informed of the risks, Mr. Jones insists on delaying the surgery by four months so he can continue to work during his busiest time of year.

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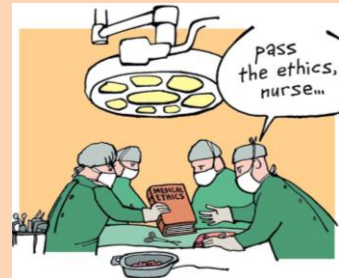
### Right of Refusal

Even when faced with an serious operable cancerous lesion and the strong likelihood of a good surgical outcome, a mentally capable patient may instead choose a less effective treatment than what is recommended, despite a thorough discussion of the risks and benefits of surgery.

## 4. Ethical Decision-Making

- When faced with a health issue, & the vast & sometimes competing treatment options, what considerations does the **practitioner** have to take into consideration?
- There are four factors the practitioner must always consider:

- Autonomy
- Beneficence
- Non-Maleficence
- Justice



## 1. Autonomy

= the Patient's right to make their own decisions.

- Physicians should:
  - help the patient come to their own decision by providing full **information**
  - uphold a competent, adult patient's decision, even if it appears medically **wrong**.
- Implications for the Practitioner:**
  - consult the patient, and make them fully aware of any potential risks/dangers of a **treatment**
  - obtain informed **consent** from a patient
  - maintain medical **confidentiality**



## 2 Beneficence (provide benefit) & 3 Non-Maleficence (do no harm)

= Hippocratic Oath

- the moral obligation of a practitioner to do as much medical benefit to patients as possible with minimal harm



### Implications for the Practitioner:

- ensure they can provide the benefits they **profess**.
    - = ongoing professional training before & throughout a career
  - ensure treatment provides a **net benefit**
    - = Non-maleficence reminds practitioners to consider the possibility of doing harm, especially when they cannot cure
  - most treatments involve some degree of **risk side & effects**
    - = benefit to one patient may be harmful to another
- Examples:
- **Mastectomy:** may benefit to a 29 year old patient with breast cancer, but a harm to a 75 year old patient with the same condition.
  - **Immunizations:** in dealing with healthy people do the benefits outweigh the potential harms?
  - **Incurable Disorders:** May there be harmful consequences of labelling a patient with bipolar disorder?

## 4. Justice: ie Fairness

- Can be split into 3 categories:
  - Distributive Justice: distribution of **scarce resources**
  - Rights-based Justice: respect for **peoples rights**
  - Legal Justice: respect for **morally acceptable laws**
- \*Fair is not always equal\***



- Implications for the Practitioner:
  - must avoid making decisions that have no **moral basis** or **justification**
    - = It is not the role of the provider to punish patients
    - Example:
      - withholding antibiotics from a heavy smoker who refuses to give it up
  - must not waste **resources**
    - = Practitioners must consider costs of various treatments that will have same result.
    - Example:
      - generic meds

- must respect patients' **human rights**
  - Example:
    - disapproval of a patient's lifestyle would not be a morally acceptable justification for refusing to provide treatment
- must obey **laws** set out by Health Canada
  - Example:
    - If a patient has one of several infectious diseases, the practitioner is legally obliged to notify the relevant authorities even though they don't want to break a patient's confidence.

## Resolving Ethical Dilemmas

Ethics is about right and wrong and the reasons that we give for our choices and actions. This is clearly central to Health Science, since doing the right thing for patients--minimizing suffering and treating illness--contains a large moral component. Ethics should help practitioners clarify and present alternatives when faced with a difficult decision within the Health Science field. When it comes to ethical problems and dilemmas, you should first of all be able to recognize them and be able to analyze them carefully; keeping in mind the three core ethical principles:

1. What does the patient want? (Autonomy)
2. What can be done for the patient and what are the harms and benefits? (Beneficence and Non-Maleficence)
3. Are the patient's requests fair and able to be satisfied? (Justice)

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  - Right of Refusal**
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  - (Consider Autonomy, Beneficence/Non-maleficence & Justice)

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**Mr. Jones should be told about the consequences of leaving the condition untreated, although there should be no coercion (i.e., unduly frightening patients who refuse treatment).**

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If the patient persists in wanting to delay the surgery, the dermatologist should do whatever is possible to help the patient and offer an interim treatment if possible. ie) may wish to advise the patient to consult with a colleague for a second opinion or to discuss with his family about the decision to delay the surgery.

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**Justice**

Respect Mr. Jones' decision  
= Rights based Justice

**Key Principles of Biomedical Ethics**

**4 Questions To Always Ask:**

1. What is the ethical question?
2. What are the relevant facts?
3. Who or what will be affected by the outcome?
4. What are the relevant ethical considerations? Such as:
  - Respect for persons
  - Harms and benefits
  - Fairness
  - Authenticity
  - Responsibility



"Well, I'm all out of ideas... Should we try unplugging him and plugging him back in?"

Resolving ethical dilemmas requires the following:

**1. Recognize that a case raises an important ethical problem.**

- Ethical problems arise when there is a conflict of values and when there are different ways of proceeding. It is important to be as knowledgeable as possible about the case.

**2. Identify the problem that needs to be solved.**

- Once the problem is precisely identified, you will be better able to decide what resources you need to handle the problem.

**3. Determine reasonable alternative courses of action.**

- These options need not be exhaustive, but they should be clearly distinct.

**4. Consider each option in relation to the three fundamental ethical principles.**

- None of these principles is always paramount, but in certain situations, one may trump another.

**5. Decide of a resolution to the problem.**

- Your conclusion may be disputed, so you should be able to say why you think it is the best one.

**6. Consider your position critically.**

- Are there circumstances under which you would advocate a different course of action? Could your decision be formulated into a general principle?
- Consider your emotions, conscience and the opinion of others.
- Would you make the same choice if your decision were made public?

**7. Do the right thing!**

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