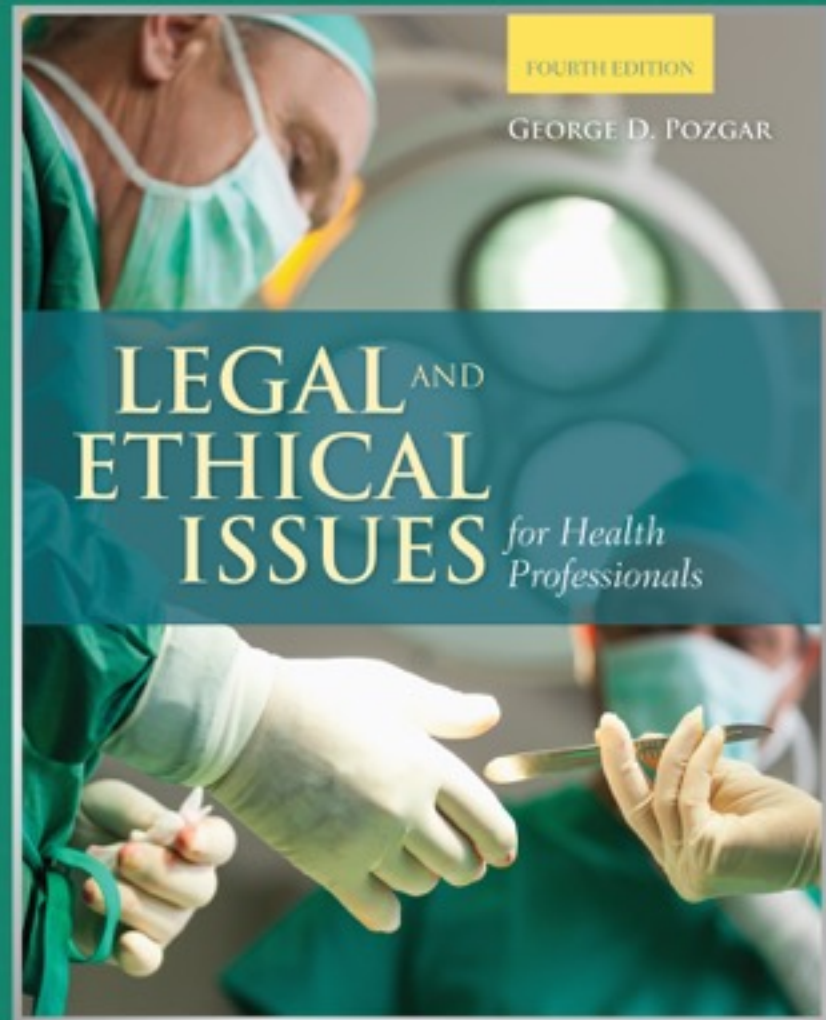


Chapter 14

Patient Rights and Responsibilities



The unexamined life is not worth living.

– Socrates

Learning Objectives

- Describe and understand patient rights.
- Describe and understand patient responsibilities.
- Explain how rights and responsibilities are tethered together and are not mutually exclusive but equally important.

PATIENT RIGHTS

Patient Rights – I

- Right to know one's rights
- Health Insurance Portability and Accountability Act
 - Disclosures permitted
 - Limitations on disclosures
 - Explanation of one's rights
- Right to ask questions
 - Accreditation Standards and Patient Right to Ask Questions
 - My Question Disregarded

Patient Rights – II

- Right to examination and treatment
 - The Merry-Go-Round—Letter to My Doctor
- Right to emergency care
 - Your Dad Needlessly Raises the Costs of Health Care
 - Take Time to Educate
- Right to admission
 - Case: Stroke Patient Refused Treatment

Patient Rights – III

- Right to have special needs addressed
- Execute advance directive
- Right to know caregivers
- Right to trust caregivers
 - What Josie King's Story Should Teach Us
 - Misdiagnosed: What to Do When Your Doctor Doesn't Know What You Can Do

Patient Rights – IV

- Right to access a patient advocate
- Right to chaplaincy services
- Right to ethics consultation
- Right to choose treatment
- Right to informed consent

Patient Rights – V

- Right to refuse treatment
- Right to a timely response to care needs
- Right to receive quality care
- Right to compassionate care
 - Compassionate Care
 - Terminal Neglect for Hospice Patients?

Patient Rights – VI

- Right to respect
- Right to pain management
- Right to privacy and confidentiality
 - UCLA Workers Snooped in Spears Medical Records
 - Phlebotomist Discloses Patient Information at Public Tavern

Patient Rights – VII

- Right to know hospital's adverse events
- Right to discharge
 - Discharge orders
 - Case: Release from Hospital Contraindicated
- Right to transfer
- Right to access medical records
 - Right to access lab reports
 - Hospital peer review materials discoverable: patient's right to know

Patient Rights – VIII

- Right to know of third-party care relationships
- Right to know hospital charges
 - Hospital Charges Not So Transparent

PATIENT RESPONSIBILITIES

In the United States, we have an obligation not to harm others either through intentional or unintentional means. It's our responsibility to act in such a way that we keep others from being infected or injured.

– Trisha Torrey, About.com Guide,
April 8, 2010

Why Would My Patient Not Tell Me the Truth?

Several months ago I nearly collided with one of my patients at the subway entrance. She was so busy lighting a cigarette that she didn't even notice me. I, on the other hand, was shocked to see her mid-drag. A mere two days earlier she had been sitting in my office telling me how she hadn't smoked in more than six months.

– Daphne Miller, *The Washington Post*,
March 15, 2011

Patient Responsibilities – I

Patients have responsibilities, as well as rights.

- Maintain a healthy lifestyle.
- Keep appointments.
- Maintain current medication records.
- Provide full disclosure of medical history.
- Report unexpected changes in health status.
 - Case: Rights and Responsibilities Conflict

Patient Responsibilities – II

- Adhere to treatment plan.
- When in doubt, seek second opinion.
- Stay informed.
- Ask questions.
- Accurately describe symptoms.

Advisory Commission

Describes Patient Responsibilities – I

- Take responsibility for maximizing healthy habits, such as exercising, not smoking, and eating a healthy diet.
- Become involved in specific health care decisions.
- Work collaboratively with health care providers in developing and carrying out agreed upon treatment plans.
- Disclose relevant information and clearly communicate wants and needs.

Advisory Commission Describes Patient Responsibilities – II

- Use health plan's internal complaint and appeal processes to address concerns that may arise.
- Avoid knowingly spreading disease.
- Recognize the reality of risks and limits of the science of medical care and the human fallibility of the health care professional.
- Be aware of a health care provider's obligation to be reasonably efficient and equitable in providing care to other patients and the community.

Advisory Commission

Describes Patient Responsibilities – III

- Become knowledgeable about his or her health plan coverage and health plan options (when available) including all covered benefits, limitations and exclusions, rules regarding use of network providers, coverage and referral rules, appropriate processes to secure additional information, and the process to appeal coverage decisions.
- Show respect for other patients and health workers.
- Make good-faith effort to meet financial obligations.

Advisory Commission Describes Patient Responsibilities – IV

- Abide by administrative and operational procedures of health plans, health care providers, and government health benefit programs.
- Report wrongdoing and fraud to appropriate resources or legal authorities.

I am part of all I have met.

– Alfred Lord Tennyson

REVIEW QUESTIONS

- Discuss the various rights of patients discussed in this chapter.
- Discuss the various responsibilities of patients discussed in this chapter.
- Describe why a patient's responsibilities are as important as his or her rights.

REVIEW QUESTIONS, cont'd

- Explain the importance of patient rights and responsibilities from both an ethical and legal point of view.
- Discuss the importance of living a healthy lifestyle.
- Describe patient responsibilities as reported in the 1997 report to the president by the Advisory Commission on Consumer Protection and Quality in the Health Care Industry.