
Title: Patient Rights and Responsibilities

Type:	Policy	Risk Rating:	Low
Department:	TMHS – Organisation Wide	Authorised By:	Chief Executive Officer
Section:	Governance	Approved By:	Board Of Management

Introduction

The mission of the Terang & Mortlake Health Service is “to meet the health and well-being needs of our community by delivering a comprehensive range of high quality, innovative, and valued, health services”. Services are provided under three core programs namely:

- Acute Care
- Aged Care (including District Nursing and Planned Activity Group)
- Primary and Preventative Health

It is vital that when a person utilises the services provided by the Terang & Mortlake Health Service, they are fully aware of their rights and responsibilities in relation to such service provision.

Scope

Organisation Wide

Policy Statement

The *Australian Charter of Patient Rights* describes the rights of patients, consumers and other people using the Australian healthcare system. These rights apply to all health care services in Victoria including people using public hospitals, aged care services and primary and preventative health services.

The Terang & Mortlake Health Service has adopted the Australian Charter of Patient Rights (**refer Attachment 1**).

In addition to the overarching *Australian Charter of Patients Rights*, Terang & Mortlake Health Service have the following Charters that are specific to different core programs:

In accordance with the Aged Care Act User Rights Principles, Terang & Mortlake Health Service also has a separate Charter of Rights and Responsibilities for Residential Aged Care (**refer Attachment 2**).

The Charters together outline the rights and responsibilities of a patient / resident / clients utilising the services of the Terang & Mortlake Health Service and support a partnership between the patient / resident/consumer and the Service by providing a clear statement of expectation that is understood by both parties. N.B. The term “patient” as used in this policy is synonymous with the terms client and consumer.

Process

An information booklet listing patients’ rights and responsibilities is available in each patient room and is provided to all clients of the Community Health Centres, Planned Activity Group and District Nursing Service. Problems with clarification may be referred to the attending V.M.O. or the Registered Nurse responsible for care.

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The Health Service believes that it is essential that patients and families understand their rights and responsibilities to enable full participation in care management.

Patient Rights

Access to Care

You may expect to be accorded in-patient access to treatment and available accommodation that is medically indicated, regardless of race, creed, national origin or gender.

Respect and Dignity

You have the right to considerate, respectful care, with full recognition of your personal dignity at all times and under all circumstances.

Privacy and Confidentiality

Within the law, you have the right to personal and informational privacy as manifested by the following rights:

- To be interviewed and examined in surroundings with sufficient privacy to assure reasonable visual and auditory confidentiality.
- That discussion or consultation regarding your condition will be conducted discreetly and individuals not directly involved will not be present without your permission.
- That your medical record will be read only by individuals involved in your care, or with the monitoring of its quality.
- To expect that all records and communication pertaining to your care be treated as confidential.
- To retain the right to refuse to talk or see any person not officially connected to the Health Service.
- To have suitable means for protective privacy, when required for personal safety.

Personal Safety

The expectation of reasonable safety in regard to practices and the environment is your right.

Identity

You have the right to know the identity and professional status of the Health Care workers, and in particular – the persons, directly responsible for your care.

Healthcare workers are required to wear an identification badge at all times, whilst on duty.

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Information

You have the right to obtain complete and current information concerning diagnosis, treatment and prognosis, to the degree known, from your attending Medical Practitioner. This information must be relayed in terms that you understand by following the Health Literacy Principles. You also have the right to access your medical records in accordance with the relevant legislation.

If it is considered medically inadvisable because of your state of health, to discuss your condition, the information should be made available to a legally authorised person.

Wherever possible, your consent must be obtained prior to involving you in clinical training programs or in the gathering of data for research purposes.

Communication

You may access people outside the Health Care Facility e.g. by means of visitors or verbal and written communication.

You have a right to involve a family member, carer or chosen support person to communicate with healthcare staff. Refer to Advocacy Policy.

Information to Enable Informed Consent

Based on an adequate explanation and your complete understanding, consent is required for procedures including anaesthesia, surgical procedures, electro-convulsive therapy, unusual medication, hazardous assessment procedures, participation in any research project, photographic and audio visual recording and other procedures where consent is necessary by law.

Second Opinion

At any time you may request a second opinion by the Medical Practitioner of your choice.

Refusal of Treatment

Treatment may be refused to the extent permitted by law.

Patients' Responsibilities

Provision of Information

You have a responsibility to provide, to the best of your knowledge, information regarding present health concerns, past illnesses, hospitalisations, medications and other matters relating to your health

Changes in Health State

You are responsible for reporting unexpected changes in your health state to a relevant Practitioner, who is either the Registered Nurse responsible for your care or your attending Medical Officer.

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Compliance Instructions

You are responsible for following the treatment recommended by the Practitioner primarily responsible for your care. This may include following the instructions of Nurses and Allied Health Workers as they carry out your co-ordinated plan of care, implement the Doctor's orders and enforce applicable rules and regulations. You are responsible for keeping appointments, or if unable to do so, cancelling.

Refusal of Treatment

If you refuse the recommended treatment and fail to follow the Doctor's instructions no responsibility for the outcome will be accepted by the Health Service. You will be requested to sign a refusal of treatment document.

Respect and Consideration

The rights of other patients and Health Care Facility personnel must be respected in regard to the control of noise, respect for the privacy of others and the number of visitors you receive. Property, both Health Service and that of other persons, must be respected.

Zero Tolerance of Aggression Policy

Patients/Visitors who intentionally display violence or aggressive behaviour towards TMHS staff members will not be tolerated.

Any incident in which our employees are abused, threatened or assaulted in circumstances arising out of, or in the course of their employment including verbal, physical or psychological abuse is considered unacceptable. Violence and aggression may involve an actual or implied threat to safety, health or wellbeing.

If such incidents occur, a warning notice will be issued and a contract outlining conditions under which the individual may access services provided by TMHS will be implemented.

Personnel

- Patients/Clients/Residents
- Nursing Staff
- Medical Staff
- Chief Executive Officer
- Environmental and Support Service Staff
- Allied Health Clinicians

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Expected Outcome

1. Evidence that all patients/aged care recipients/clients utilising the services of the Terang & Mortlake Health Service are aware of their rights and responsibilities in relation to provision of services.
2. Evidence that service provision is in accordance with patient/aged care recipient/client rights as detailed in the Service Charters.
3. Evidence that the patient/aged care recipient/consumers and carers have been involved in their own care.

References

- Australian Charter of Patient Rights
- Aged Care Act User Rights Principles – Schedule 1
- TMHS Zero Tolerance of Aggression Policy (Form Central)
- Western District Health Service – Patient Rights Policy 2012.

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Attachment 1 – Australian Charter of Patient Rights

The *Australian Charter of Patient Rights* states that a patient, consumer, family member or carer using the Victorian Healthcare system has the following rights:

Access

You have a right to the health care you need. This right is supported by Medicare, which provides access to free or subsidised treatment by doctors, and access to free public hospital services. You have a right to high quality health care that meets your health needs. The Victorian healthcare system includes a wide range of services. Getting the care you need may mean referral to a different service than the one you first visited.

You may choose to be a public or private patient. In a Victorian public hospital if you are a public patient, you will not be charged for hospital or medical services. If you are a private patient, you or your insurer will be charged for some services. Your health service should explain any costs or differences involved in your care if you were a private patient. You may be charged a small fee for some publicly funded health care services such as dental or physiotherapy.

Safety

You have a right to safe and high quality care. Patients, consumers and healthcare providers are all entitled to a safe, secure and supportive healthcare environment. You have a right to a high standard of safe care and treatment. Please let staff know if you have a concern about safety or think that a mistake might have been made.

Your right to safe and high quality care relies in part on clear communication. This means you giving your healthcare provider the information they need to treat you, and your provider telling you what you need to know to make decisions about your care.

You have a right to an accredited interpreter if you need one when using a publicly-funded healthcare service, such as a hospital or community health centre.

All healthcare services should work to continually improve their quality of care. Public health services report on this to the community through their annual quality of care report.

Respect

You have a right to be shown respect, to be treated with dignity and consideration, and without discrimination. Healthcare services should develop an environment that supports co-operation and communication between patients, consumers and staff. You have a right to be treated in a way that respects your dignity. Healthcare staff also deserve to be treated with respect and consideration, and without discrimination.

You have a right to receive care that is responsive to your culture and beliefs such as your beliefs and practices around birth, illness and death, the gender of the person treating you, or your dietary requirements while in hospital.

You have a right to be treated without discrimination based on your race, age, gender, gender identity, sexual orientation, carer status, disability, marital status or religious belief.

As far as possible, healthcare services should provide care and treatment in surroundings that allow personal privacy.

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Attachment 1 – Australian Charter of Patient Rights

Communication

High quality health care is based on open and effective two-way communication between you and your healthcare provider. You have a right to be informed about services, treatment, options and costs in a way that you can understand. You have a right to clear and understandable information about your health care and condition including, treatment options, expected outcomes, possible side effects and costs. Your healthcare provider should give you the opportunity to ask questions. If you have concerns about the treatment options your healthcare provider has offered, you have a right to obtain a second medical opinion.

Many things affect your health, your medical history, medications and complementary therapies you are taking, social circumstances and emotional wellbeing. It is important to give your healthcare provider all relevant information, so that they can offer you the most appropriate treatment.

You have a right to an accredited interpreter for communication needs with your publicly-funded healthcare service. Interpreters should be provided at important points during your care, such as when discussing medical history, treatments, test results, diagnoses, during admission and assessment and when you are required to give informed consent.

If you are a patient or consumer in a hospital or other large healthcare service, you may be treated by a number of people. You have a right to be kept informed about who is responsible for your care, and how to contact them.

You have a right to involve a family member, carer or chosen support person to help you to communicate with your healthcare provider. This person could be a friend or family member, or someone from a consumer support organisation [Advocacy Policy](#).

Participation

You have a right to take an active role in your health care and to be included in decisions and choices about your care. You have a right to participate as fully as you wish in decisions about your care and treatment. Your healthcare provider should give you all the information you need to make informed decisions, the opportunity to ask questions, and time to talk to your carers, family and friends before making decisions.

You have a right to have family, other carers or chosen support person involved in your care. With your consent, they can also receive information and be involved in making decisions about your care with you.

You have a right to refuse treatment. However, there are circumstances in which you may be regarded as unable to give informed consent or to refuse treatment. You have a right to appoint someone to make medical decisions for you in the event that you lose the capacity to do so. For more information, please contact the [Office of the Public Advocate](#).

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Attachment 1 – Australian Charter of Patient Rights

If you are a hospital patient, you have a right to be involved in the decision about how and when you leave hospital. Before you leave, the hospital should discuss what healthcare services you may need after you leave hospital and refer you to them. You have a right to participate in decisions about your ongoing care. Your GP should also be involved. You may discharge yourself against your doctor's advice, but you may be asked to sign a form accepting responsibility for this.

There are many opportunities to participate in the planning, design and evaluation of public healthcare services. Many organisations take into account consumers' experiences and ideas about their service when making improvements. You have a right to share your views, for example by filling in surveys, joining a community advisory committee, writing letters or telling staff about your experience. Both negative and positive feedback is useful.

Privacy

Australian and Victorian laws protect the privacy and confidentiality of your personal health and other information. Information must be collected, used, stored and shared in accordance with these laws. Everyone involved in your treatment and care has a professional and legal duty to keep information about you confidential. Sometimes your healthcare provider needs to share information about you with others involved in your care. They will only share your information with someone not involved in your health care with your permission. The *Victorian Health Records Act 2001* sets out privacy principles with which all health services must comply. You have a right to a say about what happens to your information. If you decide not to share some of your information or restrict access to your health record, this is your right, but it may affect your healthcare provider's ability to provide you with the best possible care. You have a right to access your healthcare record. Please tell your healthcare provider if any information is incorrect, incomplete or out of date. In some cases, you may be given only part of your record. If so, you have the right to apply under freedom of Information laws for your complete record. Ask your patient representative or relevant staff member for more information on the Freedom Of Information Policy

Comment

You have a right to comment on your care, and to have your concerns addressed. Healthcare services should make information about their feedback processes easy to find. You have a right to comment, ask questions and make complaints about your health care. It is always best to try to resolve concerns with your healthcare provider first. Healthcare services want to solve problems quickly, but need to know about the problem first. Try to provide feedback in a way that respects other consumers and healthcare providers.

Healthcare services record positive and negative feedback, for example through surveys, feedback and complaints processes. Your feedback should be used to improve services in the future. In a hospital, if you are unsatisfied with how your doctor or treatment team is responding to your concerns, you have a right to speak to the hospital's patient representative. If you are not satisfied with how your healthcare service or patient representative is responding to your concerns, you have a right to complain to the [Victorian Health Services Commissioner](#).

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A copy of the *Australian Charter of Patient Rights* is available in different languages at <http://health.vic.gov.au/patientcharter/publications/index.htm>

Attachment 2 – Charter of Residents’ Rights and Responsibilities

Terang and Mortlake Health Service have a Charter of Residents Rights and Responsibilities in accordance with the requirements of the *Aged Care Act 1997 (User Rights Principles – Schedule 1)* that details the rights and responsibilities of a resident in the Terang & Mortlake Health Service Aged Care Facility (Mt View). The Charter is designed to ensure that a person’s rights are not diminished when they move into an aged care service.

Each Resident of the Aged Care Facility has the Right:

- To full and effective use of his or her personal, civil, legal and consumer rights.
- To quality care appropriate to his or her needs.
- To full information about his or her own state of health and about available treatments.
- To be treated with dignity and respect, and to live without exploitation, abuse or neglect.
- To live without discrimination or victimisation, and without being obliged to feel grateful to those providing his or her care and accommodation.
- To personal privacy
- To live in a safe, secure and homelike environment, and to move freely both within and outside the Aged Care Facility without undue restriction.
- To be treated and accepted as an individual and to have his or her individual preferences taken into account and treated with respect.
- To continue his or her cultural and religious practices and to keep the language of his or her choice, without discrimination.
- To select and maintain social and personal relationships with anyone else without fear, criticism or restriction.
- To freedom of speech.
- To maintain his or her personal independence, which includes recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the resident has the right to accept, and that should then not be used to prevent or restrict actions.
- To maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions.
- To be involved in the activities, associations and friendships of his or her choice, both within and outside the Aged Care Facility.
- To have access to services and activities available generally in the community.
- To be consulted on, and to choose to have input into, decisions about the living arrangements of the Aged Care Facility.

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- To have access to information about his or her rights, care, accommodation, and any other information which relates to him or her personally.
- To complain and to take action to resolve disputes.
- To have access to advocates and other avenues of redress.
- To be free from reprisal, or a well-founded fear of reprisal, in any form, for taking action to enforce his or her rights.

Each Resident of the Aged Care Facility has the Responsibility:

- To respect the rights and needs of other people within the Aged Care Facility, and to respect the needs of the Aged Care Facility community as a whole.
- To respect the rights of staff and the proprietor to work in an environment free from harassment.
- For care for his or her own health and well-being, as far as her or she is capable.
- To inform his or her medical practitioner, as far as he or she is able, about his or her relevant medical history and his or her current state of health.