

Patient Rights

Group 10

Introduction

Patient rights:

- What they are
- How healthcare disparities and bioethical principles play a role
- How they affect healthcare and practice
- Modifications to current standards

What are patient rights?

The Patient Bill of Rights and the Health Insurance Portability and Accountability Act (HIPAA)

Ensure:

- Equality of treatment
- Full disclosure and education regarding illness
- Patient's participation in the plan of action
- Decision making authority
- Confidentiality

The Patient Bill of Rights

- Adopted in 1973 by American Hospital Association
- Customized in 1992 because of technological advancements in medicine



The Patient Bill of Rights



A copy should be posted or available upon the request of the patient

(Ballweg, page 523)

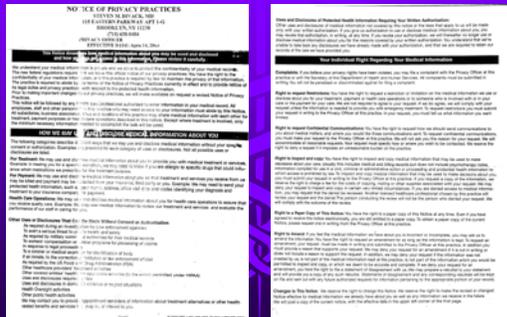
HIPAA

The first time a patient sees a clinician

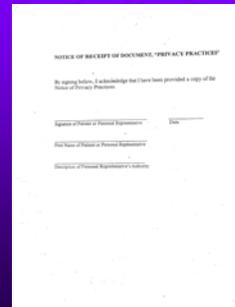
- Copy of their rights under the privacy practices act
- Signed receipt and understanding of those rights



HIPAA



HIPPA



Healthcare Disparities

The inequalities of acquiring health care, presence of disease or the healthcare outcomes.

Primarily related to:

- Personal, socioeconomic, and environmental characteristics of different racial and ethnical groups.
- Communication, financial or geographic barriers which restricts different ethnic and racial groups from encountering the healthcare delivery system.
- Quality of healthcare service a certain ethnic and racial group can receive.

Disparities in accessing health care can be due to:

- Lack of insurance coverage
- Lack of regular source of care
- Lack of financial resources
- Legal barriers
- Structural barriers such as transportation, inability to schedule convenient appointments.
- Scarcity of providers
- Ineffective communication due to language barrier
- Health literacy where the patient is unable to understand basic health information
- Lack of diversity in health care workforce, which can build a barrier between physician- patient relationship among different cultures

Bioethical Principles

Four basic principles of bioethics which serve as check points when examining specific cases to find moral rights and wrongs.

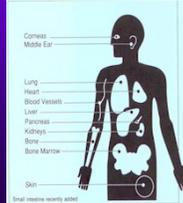
- Beneficence
- Nonmaleficence
- Autonomy
- Justice

How patient rights affect healthcare and practice

- Religious rights of patients
- DNR (Do Not Resuscitate) rights
- RMA (Refusal of Medical Assistance)
- Rights of privacy and confidentiality
- Malpractice issue

Religious rights of patients:

- Abortions
- Blood transfusion
- Organ transplantation.



DNR rights affect healthcare and practice

- States a patient does not wish to perform invasive procedures to save their life.
 - CPR
 - Mechanical ventilation

Right to RMA affects healthcare and practice

- IV hydration
- Dialysis

Rights of Privacy and Confidentiality affecting healthcare practice

- Example:
 - Patient with transmittable disease working in a health care department
 - Increase the risk of spreading infection
 - Do you go to their supervisor if they insist on working?

Malpractice affects healthcare

- Malpractice suits and insurance are on the rise
- Healthcare providers are discouraged from some specialties
- Example:
 - OB/GYN being sued because of genetic disorder or delivery complexities that were unavoidable

Do current patient rights need modification?

- Government indirect modifications of patient rights
 - The desire to bring the healthcare system into the electronic age.
 - In 2002 the Department of Health & Human Services amended the HIPAA Privacy Rule.
 - Amendments stripped Americans of controlling who can see and use their medical records.
 - Over 600,000 businesses can now view and use medical records without the knowledge of the society.



Wired for Health Care Quality Act S.1418

- This amendment was designed to enhance nationwide interoperable health information via an improved technology system.
- Employer access to employee medical records becomes operable.
- Patients cannot choose to opt in or out of the national health information network.

Health Technology to Enhance Quality of 2005 S.1262

- To reduce the costs of healthcare yet improve efficiency, by creating an interoperable technology system for health information.
- Access to the nations medical records are opened up.
 - Patient rights are revoked.
 - This bill opens the door to every American's medical records.

21st Century Health Information Act of 2005

- The goal is to develop regional health information organizations improving health information technology.
- Medical records in all local and regional health providers' electronic databases became openly accessible.
- Patients can no longer decide who can and cannot see or use their records in most situations. For example information concerning STD's, addiction and mental illness require consent, but breast reconstruction photos, cancer diagnoses, abortions can.

Bush rolls back rules on privacy of medical data

- The change in policies now allows doctors, hospitals, and other health care providers to disclose medical information regarding patient treatment or paying claims without a written consent.
- The proposed modifications to the Privacy Rule suggests that direct treatment providers only have to make a 'good faith effort' to get an individual's acknowledgment they received a privacy notice.

New Implemented Guidelines

- Firstly, the information from a person's medical records cannot be disclosed to an employer unless the patient specifically authorizes the disclosure.
- Secondly, patients can review their medical records and request changes to correct errors.
- Finally, that researchers can use medical records to track an outbreak of disease if they strip the records of the patients' names, addresses, Social Security numbers and other "direct identifiers."

How Do the Guidelines Affect the Patient?

- This policy change will affect the way patients reveal necessary information to their physicians and may change the way clinicians take histories leaving out "embarrassing" information from their charts.

Conclusion

- Unresolved aspects of patient rights and bioethics that need to be examined
- The complexity of patient care needs to be monitored ensuring the standard of care within our scope of practice.
- Look to our predecessors and NYSSPA and AAPA for guidance
 - Nonjudgmental
 - Compassionate
 - Understanding
 - Efficient
- Proficiency in patient care, and confidentiality laws

Conclusion

- The patient bill of rights continues to stir up heavily debated topics
 - patients who have abused their rights
 - congressmen continually desiring to change the scope of those rights.
- It is evident that Patient Bill of Rights issues are forever evolving.

