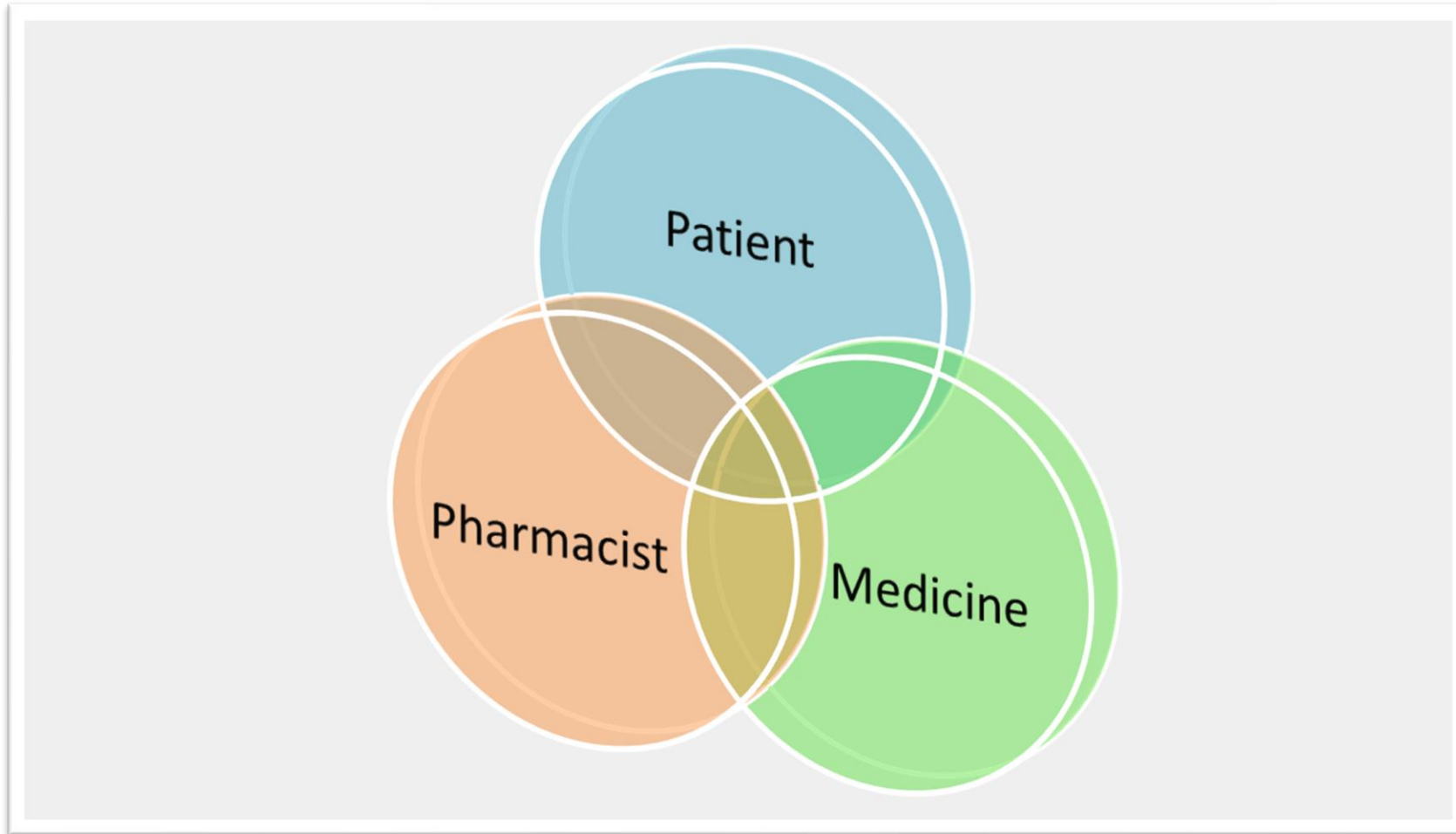




***HDC Code of
Rights***

SANYA RAM

Focus on Patient Rights



Cartwright Inquiry



“I prefer to advocate a system which will encourage better communication between patient and doctor, allow for structured negotiation and mediation, and raise awareness of patients’ medical, cultural and family needs. The focus of attention must shift from the doctor to the patient.”

Dame Silvia Cartwright, 1988

The Cartwright Report



Recommendations:

- Code of Patient Rights
- Independent Health Commissioner to
 - mediate complaints and grievances by patients
 - increase professionals' understanding of patients' rights
- Establishment of Ethics Committees

The Health and Disability Commissioner Act 1994

- Health and Disability Commissioner for education and complaints resolution
- Health and Disability Advocacy Service
- Director of Proceedings
- Health and Disability Code of Rights

The HDC Code of Health and Disability Services Consumers' Rights Regulation 1996

- The purpose of the Act is “ to promote and protect the rights of health consumers and disability services consumers”
- The code confers 10 rights on consumers of health and disability services in New Zealand
- Health providers have a duty to give effect to those rights.

Ten rights of consumers and the duties of providers.

- Right 1: the right to be treated with respect
- Right 2: the right to freedom from discrimination, coercion, harassment, and exploitation
- Right 3: the right to dignity and independence
- Right 4: the right to services of an appropriate standard
- Right 5: the right to effective communication
- Right 6: the right to be fully informed
- Right 7: the right to make an informed choice and give informed consent
- Right 8: the right to support
- Right 9: rights in respect of teaching or research
- Right 10: the right to complain

Reasonable actions in the circumstances

- Defence for a provider to show he or she took reasonable actions in the circumstances
- The Commissioner considers clinical factors and resource constraints

Presentation

- Please listen to the following presentation for background on the Code
- https://www.hdc.org.nz/media/5540/know-your-rights-when-using-a-health-or-disability-service_audio-recording.pptx

Discussion of Cases

- We will discuss two HDC cases