



Patient's rights – Participation Commonalities and Diversities within Europe

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ROMANIA PATIENT'S RIGHTS



Respect of the human rights & values
Information
Consent
Confidentiality and Privacy
Care and Treatment

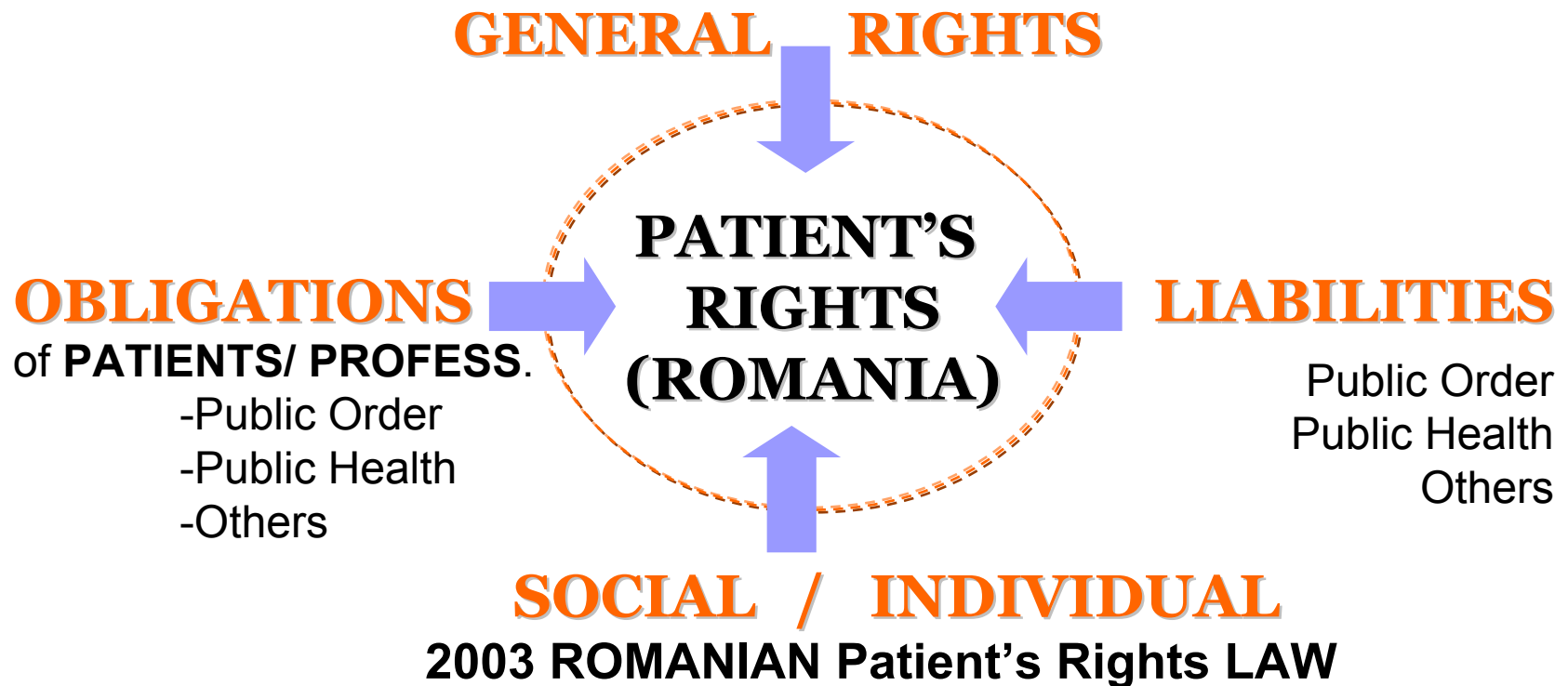
CITIZENS AND PATIENT'S PARTICIPATION

HISTORY of Romanian Experience

<p>1978</p>	<p>Early of 90 ...</p>	<p>1994</p>
<p>LAW No 3 Insurance of Public Health</p>	<p>LAW No 145/ 1997 Social Health Insurance</p>	<p>2000 ...2003 Jan....2004</p> <p>PATIENT'S RIGHTS LAW + Applications' Norms</p>
<p>Art. 78 Art. 108 Art. 124</p>		<p>WHO Declaration on promotion of Patient's rights in Europe, Amsterdam</p> <p>Law Project</p> <p>2000 Approved by Senate</p> <p>2001 Commission of Human Rights, Cults & Minorities Rights</p> <p>2002 -Commission for Families & Health -Approved by Deputies Chamber</p> <p>2003 -Promulgated by the Ro. President -Published in Ro. Official Monitor</p> <p>2004 Application's Norms</p>

PARTICIPATIVE & DEMOCRATIC & LONG

TYPE of RIGHTS



LEGISLATION...

- **Patient's rights law 2003**
- **Romanian constitution 1991**
- **Health reform law 2005**
- **Mental health law 2002**
- **Law for transplantation 1998**
- **Health insurance law 1997**
- **Public health law 1998**
- **Deontological code of medical profession**
- **EU directives (free movement)**

PATIENT = user, person, specific person (mental illness, aged, disable), insured, member of EU, foreign tourist,

PATIENT'S RIGHTS - ROMANIA

BASIC rights...

1. Accessibility
2. Correct, complete & accessible information
(to be informed, to not be informed, to have a second opinion)
3. Informed consent
(+ arrogation of decision to a committee of arbitration)
4. Free choice (better stated for FD/hospital)
5. Free decision
6. Secrecy of data
7. Privacy and confidentiality
8. Insight into medical documentation
9. Complaint and appeal
10. Medical trial
11. High quality health care
(preventive, palliative, emergency, dental, pharmaceutical care)

SPECIFIC rights...

- ❑ TO OFFER SUPPLEMENTARY PAYMENTS to medical staff or health unit (must be declared & taxed)**

- ❑ IN THE REPRODUCTION AREA:**
 - information & education in this area, without any discrimination**
 - to choose the more safety methods regarding reproductive health**
 - efficient familial planning methods**
 - women's right: to decide if to have or not children**
 - exception: life's rights of women prevail when the pregnancy status represent a major risk factor for mother's life**

- ❑ SPECIAL RIGHTS for disable people & people with mental disorder**

NETWORKING & PARTICIPATION

❑ PARTNERS IN ACN PROJECTS

-EUROPEAN MOVEMENT – ROMANIA

-APC ROMANIA (Romanian Association for Consumer Protection)

❑ OTHER ORGANIZATIONS (NGOs)



-AEGEE

-CAT

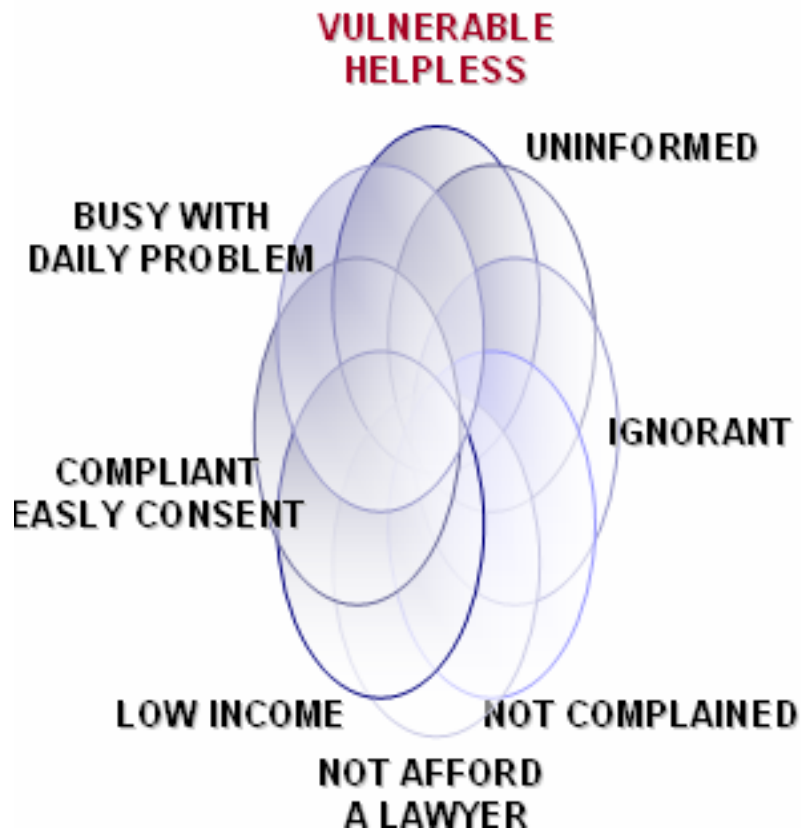
-FOUNDATION DEEP

-RENASTEREA BOTOSENEANA

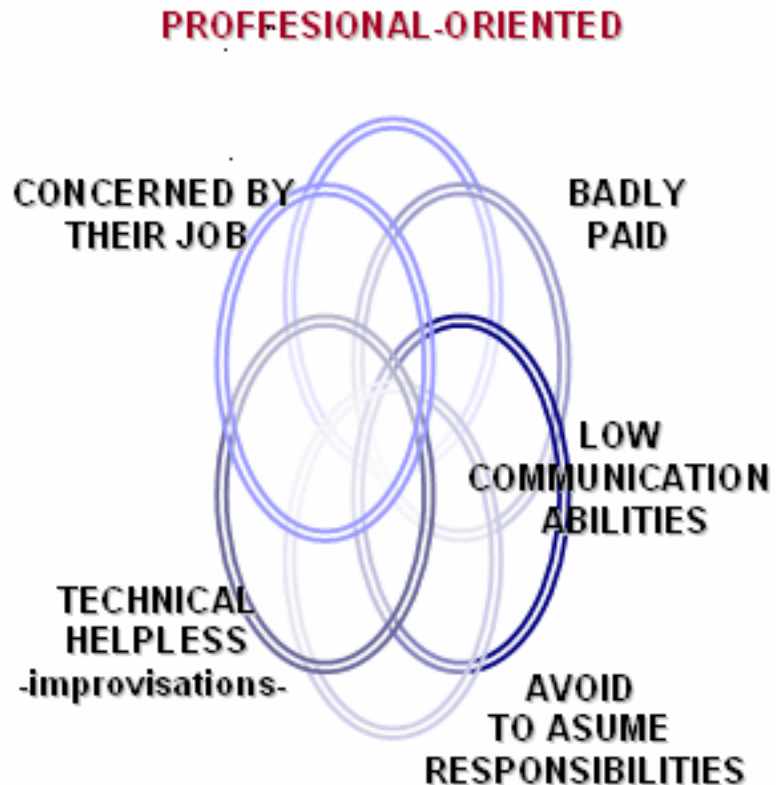
**promoting patients's rights + informing the patients
+ lobbying + improving the services offered**

❑ **MASS-MEDIA** play an critical role in monitoring & evaluation of the patient's rights implementation

Relation PATIENTS



PROFESSIONALS



SHIFT FROM THE PATERNALISTIC TO INFORMATIVE MODEL

BULGARIA PATIENTS' RIGHTS



Respect of the human rights & values
Information
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Care and Treatment

CITIZENS AND PATIENT'S PARTICIPATION

PATIENT'S RIGHTS – BULGARIA

Legislation...

- **Health Constitution**
- **the law for the good health indemnity**
- **the law on the healing institutions**
- **the law for pharmaceutical assets and the drugstores of the humane medicine**

PATIENT'S RIGHTS – BULGARIA

Basic rights...

- 1. Accessibility**
- 2. All kind of information**
- 3. Informed consent**
- 4. Free choice**
- 5. Free decision**
- 6. Secrecy of data**
- 7. Privacy and confidentiality**
- 8. Insight into medical documentation**
- 9. Complaint and appeal**
- 10. Medical trial**

PATIENT'S RIGHTS – BULGARIA

Institutions...

- **National Health Insurance Fund**
- **Health Ombudsman - mechanism of the Bulgarian legal system for protection of the patient's rights**

PATIENT'S RIGHTS – BULGARIA

The National Health Insurance Fund

guarantees the following to the health insured patients:

- Free choice of a GP who has signed a contract with RHIF;
- Accessible, timely and good-quality medical and dental care included in a basic package guaranteed by the RHIF budget;
- Solution to problems within the competency of the institution;
- Awareness;
- Participation in the management of NHIF through their representatives.

PATIENT'S RIGHTS – BULGARIA

The National Health Insurance Fund requires from the health insured citizens:

- **To pay the health insurance contributions due;**
- **To be responsible for their own health;**
- **To follow the physicians and dentists' instructions;**
- **To respect the professional and human dignity of physicians and dentists.**

PATIENT'S RIGHTS – BULGARIA

NETWORKING & PARTICIPATION

□ PARTNERS IN ACN PROJECTS

- FEDERATION OF CONSUMER – BULGARIA**
- NGO Development Bourgas**

□ OTHER ORGANIZATIONS (NGOs)

- Women without Osteoporosis**
- Balkan Center for Regional Development**
- Community Donation Fund -Gabrovo**



PATIENT'S RIGHTS - SERBIA

■ **Health Care Law**

- chapter 5 – **Human rights and values in health care and patient's rights**
- 11 patient's rights
- patient's responsibilities

SERBIA PATIENT'S RIGHTS



- 1. Accessibility**
- 2. All kind of information**
- 3. Informed consent**
- 4. Free choice**
- 5. Free decision**
- 6. Secrecy of data**
- 7. Privacy and confidentiality**
- 8. Insight into medical documentation**
- 9. Complaint**
- 10. Reimbursement**
- 11. Medical trial**

PATIENT'S RIGHTS - SERBIA

- **Health Care Law**
 - medical interventions cannot be undertaken unless there is informed consent (exception – psychiatric cases)
 - 4 is missing from European Charter of Patient's Rights
 - precise regulation of patient's rights

PATIENT'S RIGHTS - SERBIA

- **Yugoslav Association for Medical Law**
 - situated in facilities of the Centre for Legal Research of the Institute for Social Science
 - jurists and health professionals
 - promotion and improvement of science and practice of medical law
 - protection of patient's rights as a part of human rights in health field

PATIENT'S RIGHTS - SERBIA

- **Advocate of patient's rights (Healthcare Ombudsman)**
 - in each health care facility
 - as **independent** advocate **but...**
 - lack of knowledge in medical law

PATIENT'S RIGHTS – SERBIA

We are facing with following conditions:

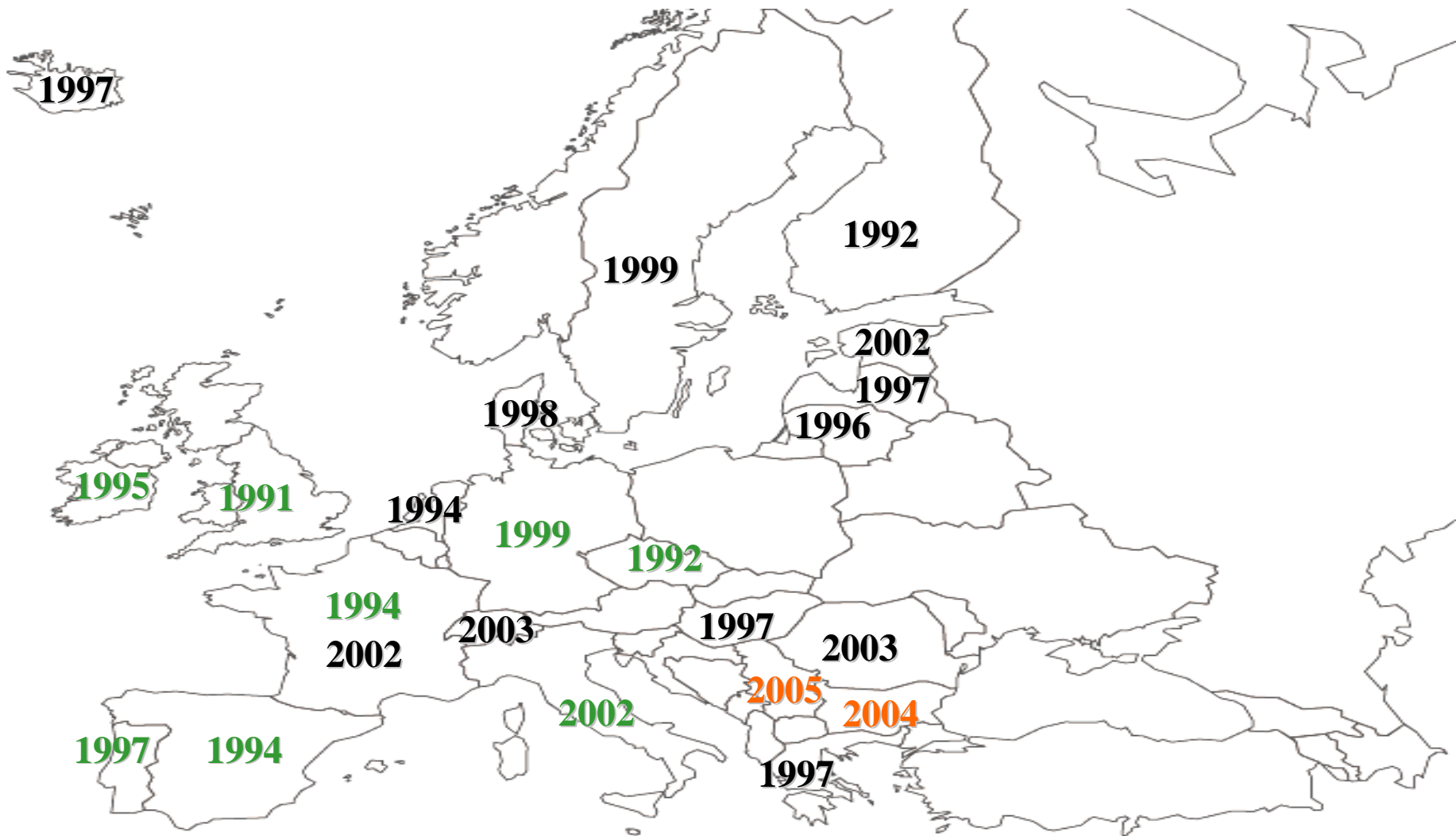
- paternalistic concept of medicine
- public awareness is very low
- medical law is at its initial phase
- need for adjustment of laws with regional and international standards (process of harmonization)

MEDICINE OF “MODERNA”

CONCEPT	RELATIONS	TECHNOLOGY	PATIENT
OBJECTIVISM	I – IT Doctor – Patient	Patient is deprived of subjectivity	Object of manipulation
REDUCTIONISM	Well-being of one part is not dependable on another parts	Treatment is directed towards some organs or tissues	Is identified with medical findings

Should it be like “I – YOU”, “Whole”, “equal”, “unique”?

PATIENT'S RIGHTS REGULATION



Legend: black = law, green = charter, orange = other types

РАСИЕНТ = ПАЦИЈЕНТ = ПАЦИЕНТ

BOLNAV ...

DEX ...

Sick person that is under the medical treatment.

PR Law ...

User of health care services, whether healthy or sick.

БОЛЕСТАН ...

VUJAKLIJA ...

Person who suffers, who is sick.

PR Law ...

Any person who receives medical attention, care, or treatment.

БОЛЕН ...

EURODICT ...

Sick person who is treated by physician.

PR Law ...

It is each person that looks for or that proves medical care.

Patient's participation...

...to be involved in the decision – making process in matters pertaining to his or her health

...to be involved in the drafting of law, its implementation and follow-up.

DIVERSITIES & COMMONALITIES

Country \ Item	Romania	Bulgaria	Serbia
Regulation	PR Law +others Amsterdam '94	Many laws ECPR '02	Health Care Law ECPR '02
Participation	↓	↓	↓
Relationship P-P	Paternalistic → informative	Paternalistic → informative	Paternalistic
PR Networking	↓↑	↓↑	↓
Media	Critical	Critical & promoting	Critical
Education	↓pa ↑↓ ph	↓pa ↑↓ ph	↓pa ↑↓ ph

THANK YOU FOR YOUR ATTENTION

