

Patients' Rights & Dr- Patient Relationship

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African saying,

- *“Smoke does not affect*
 - *honey-bees alone,*
 - *honey gatherers are*
 - *also affected.”*

Road Map

• **A: Human Rights (HR)**

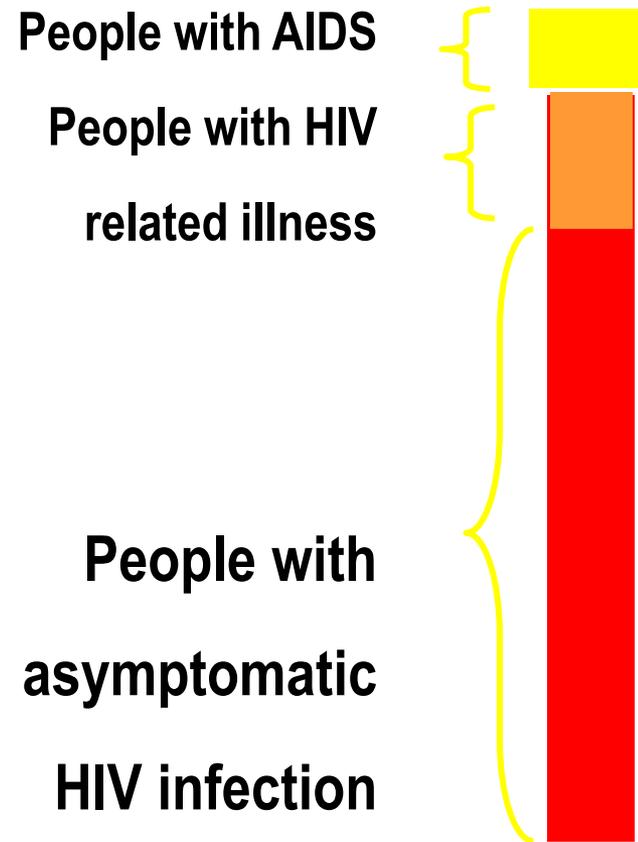
- 1. Introduction – Why talk about Human Rights?
- 2. Human Rights violations in a world of AIDS
- 3. Human Rights and AIDS
- 4. Human Rights and the Law
- 5. Role of the State in Human Rights
- 6. Human Rights based-approach.

Road Map (2)

B: Patients Rights; & Dr–Patient Relationship

- 7. Healthcare workers roles, duties and responsibilities
- 8. **Patients' Rights:**
 - 1) Communication
 - 2) Informed consent
 - 3) Confidentiality
 - 4) Right to Healthcare
 - 5) Right to refuse care
 - 6) Legal principles in Medicine
 - 7) Medical Research and Patients' Rights.

1. HIV/AIDS-the hidden epidemic



1. Why talk about HR?

“HIV epidemic causes human rights VIOLATIONS!”

- HIV epidemic is driven by human rights violations by;
 - The community
 - Political leaders
 - Workplace (Employers / employees)
 - Healthcare workers – Drs, nurses, researchers...
 - Teachers
 - Faith community leaders & faith communities
 - Uniformed, non-uniformed officers & others.

2. Human rights violations

“STIGMA & DISCRIMINATION stand out!”

- **Stigma** against people living with HIV / AIDS (PLWHA)
- **Discrimination** against PLWHA for access to services; healthcare, education, social services ...
- **Violence** against sex workers, migrants, foreigners
- **Homophobia** as attack gay people, MSM & ‘suspects’
- **Fired** from work / jobs ...no possibility of promotion
- **Isolated** at workplace showers, toilets & dining rooms
- **Disowned** by partner, family, church and social groups.

3. HR relevant to AIDS

“Human Rights belong to ALL people!”

- 1. Right to life – For every human being, from birth
- 2. Right to health – Entitlement to all despite ‘*economics*’
- 3. Right to privacy – Identity, integrity, intimacy, HIV status
- 4. Right to non-discrimination & equality before the law
- 5. Right to liberty and security of the person
- 6. Right to free movement
- 7. Right to freedom of expression
- 8. Right to be free from torture or cruel treatment.

4. Human rights & the Law

“HIV status does not warrant lesser human rights!”

- Human rights are legal entitlements
 - HR 1-All human beings are born free & equal
 - HR 2-Everyone is entitled to all the rights & freedoms
 - HR 3-Everyone has the right to life, liberty & security
- They may be invoked in a court of law
- If violated, a court may order a remedy such as compensation or damages
- **ALWAYS** include human rights violation in cases where PLWHA have been discriminated or violated.

5. Role of the State in HR

“From grassroots to political leaders!”

- **Respecting** the rights of its citizens, including PLWHA
- **Protecting** the rights – Prevent violations
- **Fulfilling** the rights – Budgetary & material resources
- **Promoting** the rights – Educate the public and raise awareness on the rights
- **Creating** multi-sectoral approaches in response to epidemic that encompass human rights
- **Enabling** community organisations to carry out activities in the field of ethics, human rights and law
- **Ensuring** privacy, confidentiality & ethical behaviour in research involving human subjects.

6. Human rights-based approach

“It is about empowerment & capacity-building!”

- The **promotion** and **protection** of human rights must therefore be at the centre of all aspects of an effective response to the epidemic.
- This is known as a HUMAN RIGHTS-BASED APPROACH:
 - Focuses on **empowering** (education and skills) people, especially the vulnerable & marginalised
 - Focuses on **capacity-building** of duty holders (government) to be able to protect and promote human rights.

Patients' Rights & Doctor–Patient Relationship

7. Healthcare workers' roles

“Health for individuals and for the community!”

- Work towards improving everyone's health
- Provide treatment which is safe and effective
- Communicate effectively and sensitively with patients and their families and carers
- Listen to the views and concerns of patients
- Treat patients with dignity and respect
- Understand the wants and needs of patients in order to improve the quality of services
- Inform and involve patients in all decisions about their care and treatment...

Healthcare workers roles (2)

“It is about community involvement & ownership!”

- Involve the public in helping to shape local health services for the future
- Work with individuals, communities and groups to identify their needs
- Provide information about services and treatment
- Respect patients’ rights to privacy, dignity and confidentiality.

8. Patients' Rights

What are Patients' Rights?

- Basic rules of conduct between patients and healthcare workers, as well as the institutions and people that support them
- Patients' Rights include matters such as access to care, patient dignity, **RESPECT**, confidentiality, and informed consent to treatment and care
- Freedom from force, fraud, deceit or coercion
- The right to refuse or withdraw from treatment.

8.1 Communication

Patients entitled to information

- Open and honest communication is an integral part of the doctor – patient relationship
- Health, conditions and the care they will need
- The treatment and why that treatment
- Options if any for different treatments
- Right to ask questions, without fear of rebuke
- Information, Education & communication (“IEC”)
 - ✓ **Keep it short and simple** or “KISS” it
 - ✓ May need interpreter for better understanding
 - ✓ Be conscious of **culture** – language & gender issues.

8.2 Informed consent

Grossly over looked especially with AIDS

- Explain to client what '***informed consent***' is
- Emphasise that healthcare workers **intend good** and not bad. Intended effects V possible side effects
- The risks and anticipated benefits involved
- Clients may accept or refuse treatment including examinations, tests and diagnostic procedures
- Clients should never sign any documents when in doubt
- Clients can be encouraged to talk to relatives if need be, to be well informed...for '***informed consent.***'

8.3 Confidentiality

Major complaint amongst clients / patients

- Reassure clients on total confidentiality
- Dr-Patient interaction should remain confidential
- No information given out to other people including relatives without client's consent or permission
- Only healthcare team will have information
- **BUT** exceptions might be in;
 - **court cases** where a court order has been made to divulge information ... for legal reasons
 - **Ethical** considerations ... clinical research
 - **Social** considerations ... for care, housing, transport.

8.3 Confidentiality (2)

DATA confidentiality with HIV / AIDS

- Confidentiality & respect when it comes to testing
- No need for others to know, including employers
- Keeping a '**locked**' register of HIV test results
- Strict management of medical records, especially when transferring patients from units or health facilities
- No releasing of HIV test results of clients without permission of the client. NOT EVEN TO RELATIVES!

8.4 Right to healthcare

Access to health services

- Right to use the health services like any other person
- To be treated equally – No discrimination
- Race, sex, age, sexuality, disability or religion should not affect the healthcare delivery or health services rendered to the client or patient
- Voluntary counselling & testing (**VCT**); HIV Testing Centres (**HTC**) or Point of Care Testing (**POCT**) centres should include (**DESTIGMATISATION**) other tests;
 - Syphilis, hepatitis, chlamydia ... other STIs
 - Diabetes, hypertension, weight, newspaper room.

8.5 Right to refuse care

Clients or patients with insight

- Competent adult patients have the right to refuse health care, be it medication or surgical procedures
- If they do, ALWAYS **DOCUMENT** the fact that client refused after pros and cons of the treatment or procedure explained to client
- The right to refuse or withdraw should not influence the patient's future healthcare.

8.6 Legal principles in Medicine

Patients' Rights involve legal (law) implications

- Patients' rights involve the law or legal implications when patients' rights are violated
- Medical injury claims & malpractice claims cost millions
- **Negligence** is the leading cause in majority of claims
- COURT CASE / LAW-SUIT must prove 4 elements:
 - 1) Pre-existing duty or 'Duty to treat'
 - 2) A breach of the duty to treat
 - 3) Proof of damage caused by breach of duty to treat
 - 4) Proof of negligence / below par standard of care.
- DO NOT FEAR TO DO WHAT YOU WERE TRAINED TO DO!

8.7 Research & Patients Rights

Do not take PLWHA for granted

- **Nuremberg Code** formulated in **1947** states,
 - *"The voluntary consent of the human being*
 - *is absolutely essential."*
- It is about **value** of the medical / clinical research
- It is about **scientific validity**
- It is about **fair subject selection**
- It is about **favourable risk-benefit ratio**
- It is about **independent review**
- It is about INFORMED CONSENT
- It is about RESPECT for enrolled subjects.

African saying

*“One spider’s web cannot tie up a lion.
Many spiders’ webs can tie up even
the strongest lion.”*

References

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