

## **SECTION SEVEN: INSTITUTIONAL POLICIES RELATIVE TO GME PROGRAMS**

**POLICY NO: 7.2**

**SUBJECT: A STATEMENT OF PATIENT'S RIGHTS**

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### **I. PURPOSE**

Consistent with this institution's corporate obligations, policies, and its moral and religious beliefs, and in keeping with the values and principles inherent in the medical-moral teaching of the Catholic Church as promulgated by the National Conference of Catholic Bishops and the local Ordinary under which this institution operates, we identify the following rights of a patient in this institution:

1. To be treated with courtesy, consideration, and respect for the patient's dignity and individuality;
2. To treatment and medical services without discrimination based on race, age, religion, national origin, sex, sexual preferences, handicap, diagnosis, ability to pay, or source of payment;
3. To retain and exercise to the fullest extent possible all the constitutional, civil, and legal rights to which the patient is entitled by law;
4. To be informed of the names and functions of all physicians and other health care professionals who are providing direct care to the patient. These people shall identify themselves by introduction or by wearing a name tag;
5. To receive, as soon as possible, the services of a translator or interpreter to facilitate communication between the patient and the hospital's health care personnel;
6. To receive from the patient's physician(s), in term that the patient understands, an explanation of his or her complete medical condition, recommended treatment, risks of the treatment, expected results, and reasonable medical alternatives. If this information would be detrimental to the patient's health, or if the patient is not capable of understanding the information, the explanation shall be provided to his or her next of kin or guardian and documented in the patient's medical record.
7. To give informed, written consent prior to the start of specified non-emergency procedures or treatments only after a physician has explained, in terms that the patient understands, specific details about the recommended procedure or treatment, the risks involved, the possible duration of incapacitation, and any reasonable medical alternatives for care and treatment. The procedures requiring informed, written consent shall be specified in the hospital's policies and procedures. If the patient is incapable of giving informed, written consent, consent shall be sought from the patient's next of kin or guardian or through an advance directive, to the extent authorized by law. If the patient does not give written consent, a physician shall enter an explanation in the patient's medical record;
8. To refuse medication and treatment after possible consequences of this decision have been explained in language the patient understands, except in life-threatening situations and instances when medication or treatment is required by law;
9. To be included in experimental research only when he or she gives informed, written consent to such participation, or when a guardian provides such consent for an incompetent patient in accordance with law and regulation. The patient may refuse to participate in experimental research, including the investigations of new drugs and medical devices;

10. To be informed if the hospital has authorized other health care and educational institutions to participate in the patient's treatment. The patient also shall have a right to know the identity and function of these institutions, and may refuse to allow their participation in his or her treatment;
11. To be informed of the hospital's policies and procedures regarding life-saving methods and the use of withdrawal of life-support mechanisms. Such policies and procedures shall be made available promptly in written format to the patient, his or her family or guardian, and to the public, upon request;
12. To be informed by the attending physician and other providers of health care services about any continuing health care requirements after the patient's discharge from the hospital. The patient shall also have the right to receive assistance from the physician and appropriate hospital staff in arranging for required follow-up care after discharge;
13. To receive sufficient time before discharge to have arrangements made for health care needs after hospitalization;
14. To be informed by the hospital about any discharge appeal process to which the patient is entitled by law;
15. To be transferred to another facility only for one of the following reasons, with the reason recorded in the patient's medical record:
  - a. The transferring hospital is unable to provide the type or level of medical care appropriate for the patient's needs. The hospital shall make an immediate effort to notify the patient's primary care physician and the next of kin, and document that the notifications were received; or
  - b. The transfer is requested by the patient or by the patient's next of kin or guardian when the patient is mentally incapacitated or incompetent;
16. To receive from a physician an explanation of the reasons for transferring the patient to another facility, information about alternatives to the transfer, verification of acceptance from the receiving facility, and assurance that the movement associated with the transfer will not subject the patient to substantial, unnecessary risk of deterioration of his or her medical condition. This explanation of the transfer shall be given in advance to the patient, and/or to the patient's next of kin or guardian except in life-threatening situations where immediate transfer is necessary.
17. To freedom from physical and mental abuse;
18. To freedom from restraints unless they are authorized by a physician for a limited period of time to protect the patient or others from injury;
19. To have physical privacy during medical treatment and personal hygiene functions such as bathing and using the toilet unless the patient needs assistance for his or her own safety. The patient's privacy shall also be respected during other health care procedures and when hospital personnel are discussing the patient;
20. To confidential treatment of information about the patient. Information in the patient's records shall not be released to anyone outside the hospital without the patient's approval unless another health care facility to which the patient is transferred requires the information, or unless the release of the information is required and permitted by law, a third-party payment contract, a medical peer review, or the New Jersey State Department of Health and Senior Services;
21. To receive a copy of the hospital payment rates, regardless of source of payment. Upon request, the patient or responsible party shall be provided with an itemized bill and an explanation of the charges if there are further questions. The patient or responsible party has a right to appeal the charges. The hospital shall provide the patient or responsible party with an explanation of procedures to follow in making such an appeal;

22. To be advised in writing of the hospital rules and regulations that apply to the conduct of patients and visitors;
23. To have prompt access to the information contained in the patient's medical record, unless a physician prohibits such access as detrimental to the patient's health, and explains the reason in the medical record. In that instance, the patient's next of kin or guardian shall have a right to see the record. This right continues after the patient is discharged from the hospital for as long as the hospital has a copy of the record;
24. To obtain a copy of the patient's medical record, at a reasonable fee, within 30 days of a written request to the hospital. If access by the patient is medically contraindicated (as documented by a physician in the patient's medical record), the medical record shall be made available to a legally authorized representative of the patient or the patient's physician;
25. To have access to individual storage space in the patient's room for the patient's private use. If the patient is unable to assume responsibility for his or her personal items, there shall be a system in place to safeguard the patient's personal property until the patient or next of kin is able to assume responsibility for these items;
26. To be given a summary of these patient rights, as approved by the New Jersey State Department of Health and Senior Services, and any additional policies and procedures established by the hospital involving patients rights and responsibilities. This summary shall also include the name and phone number of the hospital staff member to whom patients can complain about possible patient rights violations. This summary shall be provided in the patient's native language if ten percent or more of the population in the hospital's service area speak that language. In addition, a summary of these patient rights, as approved by the New Jersey State Department of Health and Senior services, shall be posted conspicuously in the patient's room and in public places throughout the hospital. Complete copies of this subchapter shall be available at nurse stations and other patient care registration areas in the hospital for review by patients and their families or guardians;
27. To present his or her grievances to the hospital staff member designated by the hospital to respond to questions or grievances about patient rights and to receive and answer to those grievances within a reasonable period of time. The hospital is required to provide each patient or guardian with the names, addresses, and telephone numbers of the government agencies to which the patient can complain and ask questions, including the New Jersey Department of Health and Senior Services Complaint Hotline at 1-800-792-9770. This information shall also be posted conspicuously in public places throughout the hospital;
28. To be assisted in obtaining public assistance and the private health care benefits to which the patient may be entitled. This includes being advised that they are indigent or lack the ability to pay and that they may be eligible for coverage and receiving the information and other assistance needed to qualify and file for benefits or reimbursement, and
29. To contract directly with a New Jersey licensed registered professional nurse of the patient's choosing for private professional nursing care during his or her hospitalization. A registered professional nurse so contracted shall adhere to hospital policies and procedures in regard to treatment protocols, and policies and procedures so long as these requirements are the same for private duty and regularly employed nurses. The hospital, upon request, shall provide the patient or designee with a list of local non-profit professional nurses association registries that refer nurses for private professional nursing care.
30. To receive the care and health services that the hospital is required to provide under N.J.A.C. 26:1-1 et. Seq. and rules adopted by the New Jersey Department of Health and Senior Services to implement this law.

This statement is a reaffirmation of the ongoing purpose of Catholic health care facilities to promote Christian community and enhance the dignity of humankind by providing optimal health care services and programs to people being served. This health care facility recognizes the inherent rights of patients to appropriate information to permit them to make judgments about their own care. The patient should understand, however, that the nature, content, and scope of the information supplied by his physician rest in the sound professional judgment and discretion of his physician.

Recognizing the above stated rights, the patient has a corresponding responsibility to bring to the attention of the appropriate person(s) in the institution those occasions when, in his opinion, these rights are not being respected. It then becomes the responsibility of the health care facility to see to it that effective mechanisms exist to take corrective action when necessary. In addition, the patient has a responsibility to cooperate in the treatment program specified by his physician and to respect the rights of other patients who are also receiving treatment in this facility. The patient has a responsibility to know and observe the policies and procedures established by this health care facility in the best interests of all patients being served.

As part of the total resources of the health care facility, the organized medical staff is accountable for its role in ensuring that the patient's rights are respected through specified mechanisms in the institution's medical staff organization. The medical staff bylaws, as approved by the Board of Trustees, include provision for delineating the authority and responsibility of the medical staff organization in respecting this statement of patient's rights. Physicians practicing in this health care facility are granted privileges within the context of the philosophy of a Catholic health care facility. These privileges include the physician's right to exercise medical judgment in the interest of the patient and a responsibility to be guided by this statement on patient's rights.

General health care facility policies and procedures, which involve all employees are developed to ensure the protection of the patient's rights in the context of the corporate obligations and moral and religious beliefs of a Catholic health care facility.