

17 MAR 2008

on Safety and Quality
in Health Care

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Ms Nicola Dunbar
Policy Team Manager
Australian Commission on Safety and Quality in Health Care
GPO Box 5480
SYDNEY NSW 2001

RE: NATIONAL PATIENT CHARTER OF RIGHTS

Dear Ms Dunbar

Thank you for the opportunity to comment on the draft National Patient Charter of Rights Consultation Paper. It is encouraging to hear that work is being undertaken in this area at a National level.

I have distributed the Consultation Paper to Branch Directors within the Department. The attached table consolidates Branch comments and provides the NSW Department of Health response. Comments have been grouped into your consultation questions.

Should you wish to discuss these in further detail, please contact Carly Lewis, Senior Policy Officer, via email, carly.lewis@doh.health.nsw.gov.au or on (02) 9391 9353.

I look forward to reviewing the National Patient Charter of Rights once it is finalised.

Yours sincerely

Richard Matthews
12/3/08

Dr Richard Matthews
Deputy Director-General, Strategic Development

**NSW Health Feedback
Draft National Patient Charter of Rights Consultation Paper**

Consultation Question	Feedback
<p>National Patient Charter of Rights and National Patient Charter Principle</p>	<p>It is useful to have both documents as the principles underpin the charter, giving staff direction in meeting the patient's rights.</p> <p>Although the National Patient Charter Principles "recognise the important role that families and communities play in receiving and delivering care", this overarching attitude needs to be explicitly stated within a preamble. It is recommended that the recognition of the rights of families, carers and other support persons be explicitly recognised in a preamble of the National Patient Charter.</p> <p>Although the National Patient Charter Principles "recognise the important role that families and communities play in receiving and delivering care", this overarching attitude needs to be explicitly stated within a preamble. It is recommended that the recognition of the rights of families, carers and other support persons be explicitly recognised in a preamble of the National Patient Charter.</p> <p>The authors note in their introduction that a specific purpose behind the development of this document is that it will "... articulate a nationally agreed set of principles to underpin the provision of health care, wherever the care is delivered" and, that there is support from State and Territory Health Ministers for extending the coverage of current patient's hospital charters "to all designated health services outside the traditional hospital sector."</p> <p>These statements, could be reflected in the language used throughout the draft document which refers to patients in "public hospitals" and to the proposed application of the draft document to "specific jurisdictional, disease and health service charters".</p> <p>It is recommended that the language throughout the document be amended to replace "public hospitals" with "public health services" and "disease" with "condition", thereby incorporating a health prevention, promotion and primary health care focus.</p> <p>It is also recommended that health promotion, health prevention, health maintenance and primary care be reflected in the document. For example in point 5 of the draft National Patient Charter Principles "Information: being informed about services, treatment and care".</p>
	<p>The draft document uses the term "patient", while this is the accepted term for the recipient of care in the majority of acute care settings, some service settings use different language. For example Mental Health use the term "client", Midwifery and Women's Health prefer "the woman", and Health Researchers would use "Participant".</p> <p>It is recommended that a statement be included in the Introduction to the document identifying the possible need</p>

<p>Consultation Question</p>	<p>Feedback</p>
<p>National Patient Charter of Rights and National Patient Charter Principle</p>	<p>to replace the term "patient" with a more appropriate term for local application and usage.</p>
	<p>The Charter could be more straight forward and in a more user friendly format than that of the current draft National Charter. The Queensland Health Public Patients' Charter is a good example of a plain language style document (www.health.qld.gov.au/qhpppc/).</p>
	<p>It is recommended that this information be available in a number of community languages as well as English.</p>
	<p>Consideration might be given to defining some terms used in the Charter such as 'access in terms of waiting times', 'distances', and 'excellence'.</p>
	<p>The text used in the Principles contributes to a better understanding of the Rights within the charter. The language used is generally clear and concise and could be understood by a wide audience.</p>
	<p>In the section of the draft Charter dealing with patients rights' on page 5, the Charter sets out the first right relating to access in the following terms: "I am entitled to have access to public health care". Further, it explains what this right means in the following terms: "Access to public health services based on clinical need, not the ability to pay".</p>
	<p>The expression of the right in terms of a right to "access to public health care" is not strictly correct, as a matter of law. Under the Australian Health Care Agreement 2003-2008 (AHCA), all Australian residents are entitled to free access to public hospital services. However, the draft Charter, by referring to "public health care", states a broader proposition, which is not underpinned by any legal right. Further, the Charter does not appear to limit this right to Australian residents.</p>
	<p>In the section of the draft Charter dealing with the principles underpinning the right to access health care, on page 6, it is stated that patients are entitled to:</p> <ul style="list-style-type: none"> "care that is appropriate, timely, and based on need, not the ability to pay"; "be admitted to a public hospital as a public or a private patient"; and "equitable access to public health services regardless of place of residence".
	<p>Again, these statements are a summary or paraphrase of provisions of the AHCA. However, as stated above the AHCA applies only to public hospital services, and entitles only Australian residents to access such services free of charge.</p>