

SUMMARY PAPER

A COMPARISON OF
PATIENT
CHARTERS IN AUSTRALIA

This Summary Paper has been prepared by the Commission office. The range of patient rights and responsibilities that it contains were sourced from individual jurisdiction and health care organisation websites and have not been collectively endorsed by Commission members, Health Ministers or State and Territory health authorities.

6 SEPTEMBER 2007

Acknowledgement

The Australian Department of Health and Ageing, State and Territory health departments, and a range of providers of health services and health consumer groups have produced charters of patient rights and responsibilities which helped inform this paper. Access to this material was much appreciated.

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1. INTRODUCTION

A patient charter is a set of principles that outlines the rights and responsibilities of patients and health providers.¹ These principles are expressed through statements about what patients can expect from an encounter with the health system and what is expected of them in order to provide care.

As one of its priority programs for 2007-2008, the Australian Commission on Quality and Safety in Health Care has undertaken to develop a national patient charter of rights. This paper provides a summary of the major charters of patient rights and responsibilities across the Australian health system and identifies the most common elements within these charters. It is designed to inform the development of a national patient charter, particularly in terms of the identification of possible elements of a national patient charter.

The patient charters included in this paper are those available electronically on the Internet. As noted on the following page, States and Territories are required to have their patient charters reviewed by the Commission. This is part of the requirement of the Australian Health Care Agreements that public patient charters are updated before 30 June 2008. A number of jurisdictions have sent their charters to the Commission for review. Because the information included in these charters is not yet publicly available, they have not been included in this summary paper.

The paper firstly provides some background information about patient charters in Australia, followed by a detailed description of each of these charters. Finally, the most common elements are listed.

¹ Terminology around the use of 'patient' and 'consumer' varies. In this document 'patient' is taken to refer to someone who is waiting for, currently receiving, or has at some time received treatment from a health professional or health service; whereas 'consumer' is taken to refer to any person with an interest in health from a patient/consumer perspective.

2. BACKGROUND

There are a range of patient charters in place within Australia. One of the main drivers for their development was the Australian Government's requirement in the 1993-1998 Australian Health Care Agreements (AHCAs) that States and Territories have a patient charter for public hospital patients in place. The 1998-2003 and 2003-2008 Agreements required jurisdictions to have their patient charters reviewed by the former Australian Council for Safety and Quality in Health Care or any successor (i.e., the Commission).

The current AHCAs commenced on July 1 2003 and remain in force until 30 June 2008. Under Schedule D of the 1998-2003 Australian Health Care Agreements all States agreed to the following minimum standards:

- (a) the Charter will be promoted and made publicly available whenever public hospital services are provided; and
- (b) the Charter will set out:
 - (i) how the principles in clause 6² of this Agreement are to apply to the provision of public hospital services in [the State or Territory];³
 - (ii) the process by which eligible persons can lodge complaints about the provision of public hospital services to them;
 - (iii) complaints may be referred to an independent complaints body;
 - (iv) a statement of the rights and responsibilities of consumers and public hospitals in the provision of public hospital services in [the State or Territory] and the mechanisms available for user participation in public hospital services; and
 - (v) a statement of consumers' rights to elect to be treated as either public or private patients within [the State or Territory's] public hospitals, regardless of their private health insurance status.⁴

The Australian Government Department of Health and Ageing has also implemented the Private Patients' Hospital Charter which provides information for people in private hospitals, who are admitted as private patients in public hospitals, or who attend other private day facilities. In addition, since 1998 a number of state and territory health care complaints commissions have outlined principles for the development of a patient charter as a legislative requirement of their respective acts.

Finally, there is a variety of related instruments that pertain to patient charters and statements of patient and provider rights and responsibilities developed in the Australian health care setting by peak professional, consumer and health care bodies.

² These principles are that: (a) eligible persons are to be given the choice to receive, free of charge as public patients, health and emergency services of a kind or kinds that are currently, or were historically, provided by hospitals; (b) access to such services by public patients free of charge is to be on the basis of clinical need and within a clinically appropriate period; and, (c) arrangements are to be in place to ensure equitable access to such services for all eligible persons, regardless of their geographic location.

³ The Australian Health Care Agreements exist as specific instruments for each State and Territory. All of the Agreements contain the same provisions.

⁴ Australian Government Department of Health and Ageing, 2003-2008 Australian Health Care Agreement, Schedule D – Public Patients' Hospital Charter and Complaints Body, 1998, <http://www.health.gov.au/ahca>, accessed 24/7/07

3. SUMMARY OF PATIENT CHARTERS IN AUSTRALIA

This section contains a description of the main patient charters in place within Australia. The following charters are described:

- State and Territory public patient charters
- The Private Patients' Hospital Charter
- Charters developed by health care complaints commissions and legislative requirements outlining principles for charter development by the commissions, and
- A number of related statements, codes and instruments that include provisions and information related to patient rights.

Public Patient Charters

Public patient charters for each state and territory are described in this section. For each charter the following information is provided:

- An outline of the rights and responsibilities included in each charter, and
- Where relevant, a brief comment on details of the origin of the charter or its features.

Victoria

*Public Hospital Patient Charter*⁵

You have the right to:

1. A wide range of public hospital services
2. Treatment based on clinical need regardless of your ability to pay or your health insurance status
3. Choose whether you wish to have treatment as a public or a private patient
4. Treatment and care in a safe environment
5. Participate in making decisions about your treatment and care
6. Participate in decisions and receive information about your discharge from hospital
7. Information about your health care and, if you wish, a second medical opinion
8. Access to your health care records and confidentiality for your personal information
9. Treatment with respect, dignity and consideration for privacy
10. If necessary, have access to an accredited interpreter
11. Services provided in a culturally sensitive way
12. Information on steps the hospital takes to improve the quality of care
13. An opportunity to discuss any questions or complaints you may have concerning your stay in hospital
14. Make a complaint to an independent complaints organisation

You have a responsibility to:

15. Work with your treating team by providing relevant information about your health and circumstances that may influence your treatment, recovery or stay in hospital

The Victorian Government canvassed the idea of a public patients' charter in state legislation in 1988. In 1995 following the 1993-98 AHCA's (and after a period of consultation with health services, professional bodies and consumer groups) Victoria produced its first public patients' charter called *Putting Patients First: Public Hospitals – what do they offer you?* in fulfilment of its AHCA requirement.

The Victorian Department of Human Services revised its *Public Hospital Patient Charter* in 2006. The Victorian Government Health Information website contains comprehensive information about the charter. This includes background, detailed explanatory notes on each charter principle, advice for hospitals on communicating the charter, developing a dissemination strategy, education opportunities for hospital staff, with a communication checklist and templates for promotion of the charter. There are numerous downloadable copies on the website of the charter in booklet and brochure format in multiple languages as well as information sheets to support charter implementation. A separate section on the government website contains information about patient rights in Victoria's Mental Health Services.

⁵ Victorian Department of Human Services (2006). *Public Hospital Patient Charter*. Retrieved 27/07/07 from www.health.vic.gov.au/patientcharter/.

New South Wales

*You and your health service - Patient Charter*⁶

We will:

1. Respect your dignity and individual needs
2. Offer health care based on your health need
3. Offer access to a range of public hospital and community based health services
4. Allow you to choose to be treated as a public or private patient and explain that choice
5. Clearly explain your proposed treatment including significant risks and alternatives in a way you understand
6. Obtain your consent before treatment, except in an emergency or where the law says you must have treatment
7. Provide free interpreter services
8. Assist you to access your medical records if desired
9. Respect your privacy and confidentiality
10. Assist you if you wish to make a complaint
11. Allow you to decide whether or not to take part in medical research and health student education
12. Assist you to obtain a second opinion

The public information relating to the patient charter is contained on the NSW Health website on a webpage named 'You and your health service.' These pages contain the NSW public patients' charter and information relating to health services and treatment services. While the charter statement is brief, the information about how these principles apply is contained on the website.

⁶ NSW Health. (2005). *You and your health service - Patient Charter*. Retrieved 27/07/07. from www.health.nsw.gov.au/health-public-affairs/you/charter.html

Queensland

*Queensland Health Public Patients' Charter*⁷

What are your rights?

You have the right to:

1. Use free hospital services as a public patient. It does not matter where you live in Australia as long as you have a current Medicare card
2. Be treated with respect, dignity and consideration regardless of your age, gender, sexual preference, religion and culture
3. A free interpreter
4. Information so you can choose to be a public or private patient
5. Treatment based on our assessment of how sick you are
6. Take part in decisions about your health care
7. Easy-to-understand information about your treatment, including risks and other choices
8. Give your permission if you are able to, before you are treated
9. A second opinion
10. Give a compliment or make a complaint
11. Have your personal information kept private and confidential
12. Ask to see your medical record
13. Decide if you want to take part in medical research and clinical training

What are your responsibilities?

14. You need to give staff as much information as you can about your health
15. You need to tell staff if you are taking any medicine, recreational drugs or natural therapies
16. You need to tell staff if someone else is treating you for the same condition
17. You should ask questions and talk to your family if you want to, before making any decisions about your health care
18. You need to follow staff instructions for your treatment and care
19. You need to tell staff about any changes to your condition
20. You need to be prepared to go to another hospital if your health service cannot give the treatment that you need
21. You need to be on time for appointments and let your health service know if you want to cancel, or if you change your contact details
22. You need to talk to your local doctor if your condition changes while on a waiting list for treatment
23. You should treat all people you meet in the health service (staff, volunteers, patients/clients, their families and aged care residents) with the care, dignity and consideration we all deserve
24. You need to respect the confidentiality and privacy of others.

In 2002 Queensland Health developed a public patients' charter that explained rights and responsibilities when visiting a health service. This is the current public patients' charter available on the Queensland Government internet web pages in booklet and brochure formats. The final report of the Queensland Health Systems Review published in September 2005 recommended that Queensland Health revise the patient charter to incorporate

⁷ Queensland Government. (2002). *Queensland Health Public Patients' Charter*. Retrieved 27/07/07. from www.health.qld.gov.au/qhppc/downloads.asp

changes resulting from the review and communicate patients' rights and responsibilities to patients and their carers. There is not currently a revised document available on the website.

Northern Territory

*Public Patients' Hospital Charter*⁸

Your rights:

1. You are entitled to receive appropriate quality care/accommodation regardless of your race, creed, sex or national origin.
2. You are entitled to choose to be treated as either a public or private patient.
3. You are entitled at all times to be cared for with respect, dignity and consideration.
4. You are entitled to a clear and concise explanation of your condition, its treatment, possible risks/discomforts and any alternative procedure(s) available.
5. You are entitled to ask for a second opinion, a qualified interpreter and about any charges involved.
6. By coming to hospital you have given general agreement for treatment to begin. Some procedures require specific consent and for these you will be asked to sign a consent form. The procedure must be explained to you first. You may withdraw this consent at any time. You have the right to leave the hospital at any time, but if staff think it is a risk to your health they will ask you to sign a document that says you understand that risk.
7. You are entitled to expect your medical details to be kept confidential, unless the law requires such information to be given to another person or authority. You can also expect your consultations to be conducted discreetly and to view your own medical file in consultation with your doctor.
8. You are entitled to expect reasonable safety.
9. A guardian may exercise guardianship rights on behalf of a patient.

Your responsibilities:

10. You have an obligation to ask questions about your treatment and to talk with doctors and nurses who are looking after you. Answer their questions frankly and honestly. Discuss your health history with them and give details of any medications you are taking.
11. Make sure you understand what hospital staff members are telling you. In that way you are best able to participate in your care and make informed decisions.
12. Tell your doctor if you are receiving treatment from another doctor.
13. You have an obligation to comply with the prescribed treatment or to tell the doctor that you do not intend to do so.
14. You and your visitors should show consideration for the rights of other patients and respect for their property.
15. We expect that you will assist in the control of noise, smoking and visitor numbers.
16. You are also obliged to keep appointments or to advise us if you cannot.
17. Aggression or violence towards staff, other patients or visitors will not be tolerated and, if necessary, legal action will be taken.
18. Keep the hospital advised of your current address and contact phone numbers, if you are on a waiting list for surgery or treatment.

⁸ Northern Territory Government Department of health and Community Services, Royal Darwin Hospital Patient Information Guide, retrieved 03/09/07 from www.nt.gov.au/health/hospital_svs/tesn/royaldarwinhospital/patients/infoguide.htm

The Northern Territory Government Department of Health and Community Services maintains the Public Hospital Patients' Charter, however, it is only accessible via individual hospital web pages. The example shown here is from the Royal Darwin Hospital and it is linked to a more comprehensive document containing information for patients.

In a similar way to the Queensland charter, the Northern Territory's public patients' charter also provides a mixture of both patient rights and responsibilities. The list of responsibilities also addresses some the specific issues that might be encountered in delivering health care in a rural or remote community setting.

Western Australia

*The Western Australian Public Patients Hospital Charter*⁹

Access to health services:

1. The right to choose to receive quality public hospital services as a public patient free of charge, or as a private patient
2. The right to receive services on the basis of clinical need as promptly as circumstances permit regardless of financial or health insurance status
3. The right to be treated with respect, dignity and consideration for privacy and special needs
4. The right to have access to a basic range of public hospital services regardless of where you live in Western Australia

Information about your health care:

5. The right to be given a clear explanation of any proposed treatment including possible risks and alternatives before agreeing or refusing to have the treatment
6. The right to seek a second opinion
7. The right to be given information about your continuing health care before you leave the hospital
8. The right to see your medical records, subject to some legal provisions, and to have personal information kept confidential

Consent to take part in training and research:

9. The right to agree or refuse to participate in health professional training or medical research

Complaints Procedure

10. The right to comment or complain about the health care you receive and to be given information about how to lodge a complaint

The Western Australian *Public Patients Hospital Charter* is provided in 15 community languages. It also provides detailed guidance about the application of the principles included in the charter, and what patients attending public hospitals should expect.

Linked to the charter is the Western Australian *Patient First* program. This document supports the statement of rights and responsibilities by explaining how patients can take an active role in their health care, through participating in their treatment and management plan. A summary of key information to provide to staff, a description of the role of staff, and contact details for further information are also provided.

⁹ Western Australian Department of Health. (2004). *The Western Australian Public Patients Hospital Charter*. Retrieved 25/07/07. from www.safetyandquality.health.gov.au/consumers/wacharter.cfm

Developing and marketing a patient charter for the Western Australian health system is a strategy within the 2003-2008 Western Australian Safety and Quality in Health Care Strategic Plan.

South Australia

Your Rights and Responsibilities: a Charter for South Australian Public Health System Consumers¹⁰

The charter is provided in detail as an example of how comprehensive some charters are, but can also be summarised by the key headings indicated in bold. The information expressed as rights within this charter is usually contained in explanatory notes accompanying the charter for other states.

¹⁰ South Australian Department of Health. (2006). *Your Rights and Responsibilities: a Charter for South Australian Public Health System Consumers*. Retrieved 27/07/07. from www.health.sa.gov.au/electivesurgery/Default.aspx?tabid=34.

Access to personal records:

1. You have the right to see information kept about you by government services, either personally or through another person you nominate, and to have a copy of this information
2. You have the right to seek amendment of your personal information and to have comments attached to your records or files.

Confidentiality:

3. You have the right to have all identifying personal information kept confidential to those involved in your treatment

Participation in decision making and consent to treatment:

4. You have the right to have all information given to you in a language/format you can understand.
5. You have the right to have your illness and treatment options – including having no treatment – discussed with you
6. You have the right to be told of any material risks...and have them explained to you
7. You have the right to be told which treatment your health worker recommends so that you can make an informed decision about your health care
8. You have the right to be asked for your consent prior to any form of treatment...
9. To know why and if the treatment is experimental or being used in research and to refuse to participate in medical research experiments
10. You have the right to change your decision or refuse treatment at any time and to be given an explanation of the possible consequences of not taking the advice of the health worker
11. You have the right to meet the people involved in your care and to know their name and qualifications
12. You have the right to refuse care from a particular health worker...
13. You have the right to be given information about diagnostic tests and to have the results and implications of those results explained to you
14. You have the right to know the uses and anticipated effects of the drugs you are being given
15. You have the right to have an explanation of the chances of success, the need for any further treatment, the likelihood of return to good health, convalescence and rehabilitation...
16. You have the right to refuse admission to a health care facility regardless of your condition or against medical advice
17. You have the right to refuse life prolonging treatment or receive palliative care
18. You have the right to discharge yourself from the health service at any time at your own risk
19. You have the right to authorise another person to make decisions for you and to have the same rights on behalf of your child...

Reasonable care:

20. You have the right to competent health care which is appropriate for your condition or illness
21. You have the right to health care regardless of your social or financial status, age, sex, race, religion, political belief, sexuality, disability, health or legal status
22. You have the right to have continuity of care, including planning of your continuing health care before you are discharged and follow-up after you are discharged.
23. You have the right to record your wishes about medical and end of life decision (including whether to accept or reject treatments) should you become unable to make such decisions for yourself at some future time...
24. You have the right to change this decision at any time, to receive palliative care and to die with dignity, and to have access to relatives and/or friends on a full time basis during the end stage of life.

Continued over...

Considerate and courteous care:

26. You have the right to be treated with dignity and consideration by others,
27. You have the right to have your ethnic, cultural and religious practices and your beliefs respected
28. You have the right to be addressed by your proper name or a name of your choice
29. You have the right to be listened to when you have a question or want more information
30. You have the right to receive a response to any request you make for service or information...

Respect for your privacy:

31. You have the right to decide who will be present during the provision of your health care
32. You have the right to talk with other patients, friends, relatives and advocates, in order to have your needs represented to those providing the health service to you
33. You have the right to feel safe from any form of abuse whilst using public health service facilities
34. You have the right to stay with your child in hospital, except where separation is necessary for medical emergencies.

Asking for an interpreter:

35. You have the right to be offered or to ask staff...for an interpreter to be present

Health Information:

36. You have the right to receive current and clear information on the options available, to help you make choices about maintaining good health and preventing illness
37. You have the right to accessible, user friendly, culturally appropriate and affordable health promotion services
38. You have the right to receive information about your treatment, drugs and the best way to look after yourself and your particular illness
39. You have the right to information about the health care system including local services...which may help you.

Second opinion:

40. You have the right to seek a second medical opinion and/or information from other sources about your diagnosis and treatment.

Your responsibilities

41. You have a responsibility to help the staff by being aware of the demands on them and by communicating your needs with courtesy...
42. You have the right to tell your health care worker your medical details including any problems or complications experienced previously, particularly any allergies or medications you are taking
43. You have the right to ask your doctor for a full, clear explanation of your treatment, drugs, tests which are recommended to you
44. You have the right to ask for a further explanation if you do not understand what you have been told
45. You have the right to assist with any treatment plan you and your health worker have agreed on...
46. You have the right to treat staff with respect, to be non-abusive and non-threatening and refer to them by their proper or preferred name

Services

47. You have the right to know about the expected charges of any proposed treatment, test or other health-related service,
48. You have the right to pay no more than the agreed fee or in the absence of an agreement a reasonable fee
49. You have the right to receive an itemised account and query an item...

Hospital services in rural areas

50. You have the right to expect health services that are located in rural areas to provide at least the basic range of services for public patients
51. If you require more complex treatment that is not available locally you may be referred to a health unit where treatment is available.

Public or Private?**Choosing to become a public patient**

52. You have the right to choose – even if you are insured privately – when attending a public hospital to be asked if you wish to 'elect' to be treated as a public or private patient...

Continued over...

Elective surgery and waiting lists

53. You have the right to know your expected waiting time
54. You have the right to know if there is another health service where the wait would be shorter...
55. If your condition worsens, you have the right to ask through your GP to be seen sooner

Opinions and Complaints

56. You have the right to comment on and complain about your health care and to have the concern dealt with properly and promptly
57. You have the right to be told about how to formally or informally complain to the particular health unit
58. You have the right to be told about how to formally complain to an independent complaints authority
59. You have the right to telephone, write or personally discuss your concerns with a health care worker, or patient adviser...
60. You have the right to contact the chief executive officer of the health unit if you are unsatisfied with the response from the patient adviser
61. You have the right to obtain your own legal or other advice...

The Government of South Australia Department of Health has produced *Your Rights and Responsibilities: a Charter for South Australian Public Health System Consumers*, as a Charter of Health and Community Service Rights. The charter was first published in January 1996, revised in May 2005 and reprinted March 2006. At twelve pages it is an expansion on the AHCAs requirements. The charter provides a statement of commitment and under each principle there is a brief statement or series of statements about the principle followed by comprehensive explanatory notes.

Tasmania

*Your Rights and Responsibilities - Patient Information*¹¹

Your rights are:

1. To receive free public hospital services as a public patient.
2. To receive treatment on the basis of your health needs, regardless of your financial or health insurance status.
3. To have access to public hospital services regardless of where you live in Australia.
4. To be treated with respect, compassion and consideration of privacy which takes into account your background, needs and wishes.
5. To participate fully in the decisions about your care including admission, discharge and arrangements for continuing care.
6. To give a clear explanation of the proposed treatment including risk and alternatives, before you decide whether you will agree to the treatment.
7. To seek a second medical opinion.
8. To give your informed consent (except in exceptional circumstances) before a procedure is carried out, including consent to participation in under-graduate health professional teaching or medical research.
9. To withdraw your consent or refuse further treatment.
10. To have access to information contained in your medical record.
11. To expect that information about your hospital care will be confidential unless the law allows otherwise.
12. To receive interpreter services if you are experiencing difficulty communicating with staff.
13. To commend health workers, to complain about your health care and/or to be advised of the procedure of expressing concern about your care

How you can help

14. Provide information that enables health care professionals to give you appropriate care and advice.
15. Treat seriously any decision made in partnership with a health professional regarding your treatment.
16. Comply with your prescribed treatment or tell your health care professional of your intention not to do so.
17. Conduct yourself in an appropriate way so as not to interfere with the well-being or rights of other patients and health care staff.

This summary of the key points of the Tasmanian charter is available on the Department of Health and Human Services websites. The website states that copies of the full charter which provides detailed information about the rights and responsibilities of patients are available from all public hospitals or by contacting the Department of Health and Human Services.

¹¹ Tasmanian Department of Health and Human Services. *Your Rights and Responsibilities - Patient Information*. Retrieved from www.dhhs.tas.gov.au/services/view.php?id=602

Australian Capital Territory

ACT Public Hospital Patients' Charter¹²

Your rights

1. Access a basic range of hospital services on the basis of your clinical needs
2. Be informed about your health and about any treatment you may require
3. Make decisions about your care
4. Confidentiality and personal privacy
5. Be treated with dignity and respect by health care staff.
6. This includes the right to receive services without discrimination on the basis of age, disability, race, gender, sexual preference, religion, culture or ability to pay; and
7. Give feedback and make complaints and have access to advocacy.

Your responsibilities

8. To treat health care workers and other patients courteously and with respect
9. To respect the rights and privacy of health care workers and other people using the service
10. To give treating staff complete information about your condition, previous treatment, allergies, medications you have taken and any other information relevant to your treatment
11. To acknowledge that the Hospital must give priority to those patients most in need of care
12. To ask questions until you feel fully informed about your illness and any treatment that is recommended, and then make an informed choice about treatment
13. To advise service providers if you stop treatment or stop taking prescribed medication
14. To advise treating staff if your condition worsens or does not seem to be improving with treatment; and
15. To keep appointments or notify the service providers if this is not possible.

The ACT *Health Charter of Rights and Responsibilities* has been developed by ACT Health. A summary is available on the Canberra Hospital website, and further information is available from the Hospital.

Private Patients Hospital Charter

Know Your Rights and Responsibilities as a Private Patient in Hospital¹³

The *National Health Act 1953* provides for the issuing of a statement by the Australian Government Department of Health and Ageing called the Private Patients' Hospital Charter. Such statements have been revised over time and the current statement was issued in April 2006.

The purpose of the Private Patients' Hospital Charter is to inform people about what it means to be a private patient in a public hospital, a private hospital or a day hospital. It provides advice on what people can expect from doctors providing treatment, the hospital in which treatment is received, and their health insurance fund. The principles within the charter are

¹² ACT Health. *ACT Public Hospital Patients' Charter*. Retrieved from www.health.act.gov.au/c/health?a=sp&pid=1082083875

¹³ Australian Government Department of Health and Ageing. (2006). *Private Patients' Hospital Charter*. Retrieved 11/08/07. from www.health.gov.au/privatehealth/consumers/charter/index.htm.

similar to those contained within state and territory public patient's charters. Information in the charter is mainly presented in terms of statements of what can be expected in hospital.

Planning your hospital health care

- Public patient or private patient?
- What does it mean to be a public patient?
- What does it mean to be a private patient?
- A private patient in a public hospital
- A private patient in a private hospital

Private Health Insurance

- Types of health insurance cover
- What costs does your private health insurance cover?
- Medical costs
- Hospital costs
- Emergency department treatment
- Having a baby in hospital
- Long-stay patients
- Waiting periods
- Pre-existing conditions
- Outreach Services
- Confirm your level of health insurance cover

What you can expect from your doctor(s) and hospital

- Choice of being a public patient or a private patient in a public hospital
- Obtaining your consent to the treatment
- Advice about seeking other medical opinions
- Visiting rights
- Advice about the likely costs
- Confidentiality and access to your medical records
- Treatment with respect and dignity
- Care and support from nurses and allied health professionals
- Help doctor(s) and hospital staff provide you with better care
- Advice about care after discharge

What you can expect from your health fund

- Clear, timely and accurate advice
- Reassurance

How to make a complaint

- Advice on how to comment on or make a complaint about your health carers or hospital
- Advice on how to make a complaint about your health fund

Independent Complaints Bodies and Patient Charters

Schedule D within the AHCAs concerns both public patients' hospital charters and complaints bodies. It is an ongoing requirement in the 2003-2008 Agreements that each state and territory maintain an independent complaints body to resolve complaints about the provision of public hospital services. Jurisdictions have established complaints commissions under legislation and in some cases this legislation includes the need for a code or charter that outlines the rights and responsibilities of complainants.

While the commissions are mentioned in the AHCAs regarding public patients, they all relate to both public and private health services, and therefore the charters they develop are broader in scope than the public patient charters described in the previous section. It is also important to note that complaints commission instruments relate primarily to the rights and responsibilities of individuals when making a complaint about a health service, whereas public patients' hospital charters detail responsibilities for service provision. The complaints instruments also differ from public patients' hospital charters in that they are required under relevant acts, and may also be enforceable under these acts.

South Australian Health & Community Complaints Commission

Charter of Health and Community Services Rights

The South Australian *Health and Community Services Complaints Act 2004* provides for the development of a charter of rights and responsibilities by the Commissioner. The Act requires that the charter must have regard for the following principles:

- that a person should be entitled to participate effectively in decisions about his or her health, well-being and welfare;
- that a person should be entitled to take an active role in his or her health care and in decisions about the provision of health or community services to the person;
- that a person should be entitled to be provided with appropriate health care or community services in a considerate way that takes into account his or her background and any requirements that are reasonably necessary to ensure that he or she receives such services;
- that both professional and non-professional providers of health and community services should be given consideration and recognition for their contribution to health care and the well-being and welfare of individuals;
- that a person should be entitled to obtain reasonable access to records concerning his or her health or other personal information relating to the person..., but that otherwise the confidentiality of such information should be maintained;
- that a person should be entitled to have access to procedures for dealing with complaints about the provision of health and community services.

Queensland Quality and Complaints Commission

Code of Health Rights and Responsibilities

Under the Queensland *Health Quality and Complaints Commission Act 2006* there is provision for the development of a code of health rights and responsibilities for Ministerial consideration. The Act requires that there be consultation with consumers and clinicians through advisory committees. The legislation regarding the code includes the following provisions:

The principles that relate to the development of a code are:

- (a) an individual is entitled to take part effectively in decisions about the individual's health;
- (b) an individual is entitled to take an active role in the individual's health care;
- (c) an individual is entitled to be provided with health services in a considerate way that takes into account the individual's background, needs and wishes;
- (d) an individual who provides-
 - i. a health service
 - ii. care for another individual receiving a health service;is entitled to consideration and recognition for the contribution the individual makes to health care;
- (e) the confidentiality of information about an individual's health should be preserved;
- (f) an individual is entitled to reasonable access to records about the individual's health;
- (g) an individual is entitled to reasonable access to procedures for the redress of grievances relating to the provision of health services.

ACT Health Human Rights Commission

Code of Health Rights and Responsibilities

The ACT *Human Rights Commission Act 2005* sets out the requirements for the development of a health code of rights and responsibilities which outline the principles of health provision, including that:

- (a) a person is entitled to receive appropriate health services of a high standard;
- (b) a person is entitled to be informed and educated about health matters, and available health services, that may be relevant to the person;
- (c) a person who can take part effectively in the making of a decision dealing with a person's health is entitled to do so;
- (d) a person is entitled to be provided with health services in a considerate way that takes into account his or her background, need and wishes;
- (e) a provider, or person who provides care for a consumer, should be given consideration and recognition for the provider's, or persons, contribution to health care;
- (f) the confidentiality of information about a person's health should be preserved;

- (g) a person is entitled to reasonable access to information about a person's health;
- (h) a person is entitled to reasonable access to procedures for dealing with grievances about the provision of health services.

Northern Territory Health & Community Services Complaints Commission

Code of Health Rights and Responsibilities¹⁴

The Northern Territory Government Health and Community Services Complaints Commission *Code of Health Rights and Responsibilities* is a requirement outlined within the *Health and Community Services Complaints Act 1998*. It is a comprehensive statement which details the rights and responsibilities of both consumers and providers in eight sections.

Principle 1: Standards of Service

1. Users have a right to:
 - a. timely access to care and treatment which is provided with reasonable skill and care ;
 - b. care and treatment which maintains their personal privacy and dignity;
 - c. care and treatment free from intimidation, coercion, harassment, exploitation, abuse or assault;
 - d. care and treatment that takes into account their cultural or ethnic background;
 - e. providers who seek assistance and information on matters outside their area of expertise or qualification;
 - f. services provided in accordance with ethical and professional standards, and relevant legislation;
 - g. services which are physically accessible and appropriate to the needs arising from an impairment or disability; and
 - h. services provided without discrimination, as set out in relevant Territory and Commonwealth legislation.

Principle 2: Communication and the Provision of Information

1. Providers have a responsibility to:
 - a. provide accurate and up to date information responsive to the user's needs and concerns, which promotes health and well-being;
 - b. explain the user's care, treatment and condition in a culturally sensitive manner, and in a language and format they can understand. This includes the responsibility to make all reasonable efforts to access a trained interpreter;
 - c. answer questions honestly and accurately;
 - d. provide information about other services, and as appropriate, how to access these services;
 - e. provide prompt and appropriate referrals to other services, including referral for the purpose of seeking a second opinion; and
 - f. provide the user with a written version or summary of information, if requested.
2. Users have a responsibility, to the best of their ability, to:
 - a. provide accurate and timely information, about their past care and treatment and issues affecting their condition; and
 - b. inform the provider of issues that might interfere with participation in care or treatment recommended by the provider.

Continued over...

¹⁴ Northern Territory Code of Health Rights and Responsibilities. Accessed 04/09/07. Retrieved from www.nt.gov.au/omb_hcsc/hcsc/code.htm

Principle 3: Decision Making

1. Subject to any legal duties imposed on providers, users have a right to:
 - a. make informed choices and give informed consent to care and treatment;
 - b. seek a second opinion;
 - c. refuse care and treatment, against the advice of the provider;
 - d. withdraw their consent to care and treatment, which includes the right to discontinue treatment at any time, against the advice of a provider;
 - e. make an informed decision about body parts or substances removed or obtained during a health procedure. This includes the right to consent or refuse consent to the storage, preservation or use of these body parts or substances; and
2. In non-emergency situations, providers have a responsibility to seek informed consent from users before providing care and treatment by:
 - a. seeking consent specific to the care and treatment proposed, rather than a generalised consent;
 - b. discussing the material risks, complications or outcomes associated with each care or treatment option;
 - c. ensuring the user understands the material risks, complications or outcomes of choosing or refusing a care or treatment option;
 - d. where relevant, explaining the legal duties imposed on providers which prevent users from refusing a type of care or treatment, such as those imposed by the Mental Health and Related Services Act and the Notifiable Diseases Act;
 - e. providing users with appropriate opportunities to consider their options before making a decision;
 - f. informing users they can change their decision if they wish;
 - g. accepting the user's decision; and
 - h. documenting the user's consent, including the issues discussed and the information provided to the user in reaching this decision.
3. Providers have a right to treat without the user's consent where:
 - a. treatment is provided in a life threatening emergency or to remove the threat of permanent disability and it is impossible to obtain the consent of the user or the user's personal representative; or
 - b. treatment is authorised or required under Territory or Commonwealth legislation.
4. Where a provider reasonably considers that a user has diminished capacity to consent, the user still has a right to give informed consent to a level appropriate to their capacity.
5. Where a provider considers a user lacks the capacity to give informed consent, a provider must, except under specific legal circumstances, seek consent from a person who has obtained that legal capacity under the Adult Guardianship Act or other relevant legislation.

Principle 4: Personal Information

1. Users have a right to information about their health, care and treatment. However, they do not have an automatic right of access to their care or treatment records.
2. Providers may prevent users from accessing their records where:
 - a. legislative provisions restrict the right to access information; or
 - b. the provider has reasonable grounds to consider access to the information would be prejudicial to the user's physical or mental health.
3. Providers have a responsibility to protect the confidentiality and privacy of users by:
 - a. ensuring that the user's information held by them is not made available to a third party unless:
 - the user gives written authorisation for the release;
 - subject to subpoena or pursuant to legislation; or
 - it is essential to the provision of good care and treatment and the provider obtains the user's consent. This may take the form of consent to share information between a treating team.
 - b. providing appropriate surroundings to enable confidential consultations and discussions to take place;
 - c. having policies and procedures in place, including policies relating to the storage of information, and ensuring all staff are aware of these;
 - d. communicating with the user and other providers involved in their care and treatment in an appropriate manner and environment.

Principle 5: The Relationship between User and Provider

1. Both users and providers have a responsibility to treat each other with respect and consideration.
2. Providers have a responsibility to:
 - a. make clear the standards of behaviour and language acceptable in the relationship between user and provider;
 - b. make clear the circumstances under which they will restrict or withdraw the services they provide;
 - c. advise users if and why they are unable to provide a service the user has requested; and
 - d. subject to those responsibilities regarding emergency treatment, remove, or seek the removal of any person whose behaviour is considered dangerous to the provider or service users.
3. Users have a responsibility to ensure they do not endanger or deliberately put the safety of the provider or other service users at risk.

This responsibility is extended to the user's family members, friends, carers and advocates in their interactions with the provider.
4. Providers have a right to be able to provide care and treatment free from intimidation, coercion, harassment, exploitation, abuse and assault.

Continued over...

Principle 6: Involvement of Family, Friends, Carers and Advocates

1. Users have a right to:
 - a. involve their family, friends, carer or advocate in their care and treatment;
 - b. withhold information from family members, friends and carers on their care and treatment, or request the provider do so;
 - c. seek help from an advocate if required.
2. Providers have a responsibility to:
 - a. respect the role family members, friends, carers and advocates may have in the user's care and treatment, and the user's right to withhold information from them; and
 - b. recognise the carer's knowledge of the user and of the impact care and treatment options may have on the user's health and well-being.

Principle 7: Research, Experiments and Teaching Exercises

1. Providers have a responsibility to:
 - a. inform users if the care or treatment offered to them is experimental or part of a teaching or research exercise, of its functions and aims, and of their avenues for complaint;
 - b. inform users they can withdraw from the research, experiment or teaching exercise at any stage; and
 - c. accept the user's refusal to take part in research, experiments and teaching exercises.

Principle 8: Complaints and Feedback

1. Providers have a responsibility to:
 - a. provide a mechanism for users to give feedback or make complaints about their care and treatment;
 - b. inform users of the complaint process and of how to make a complaint;
 - c. ensure that complaints are dealt with in an open, fair, effective and prompt manner, and without reprisal or penalty; and
 - d. provide users with information about external complaint resolution mechanisms and advocates.
2. Users and providers have a responsibility to be fair, truthful and accurate when making or responding to a complaint.

Tasmania Health Complaints Commissioner

Charter of Health Rights

Under the Tasmanian *Health Complaints Act 1995* there is provision for the development of a charter of health rights. According to the Health Complaints Commissioner website the charter has been developed, but it is not available electronically. According to the Act, the charter needs to have regard to the following principles:

- (a) that a person should be entitled to participate effectively in decisions about his or her health;
- (b) that a person should be entitled to take an active role in his or her health care;
- (c) that a person should be entitled to be provided with health services in a considerate way that takes into account his or her background, needs and wishes;
- (d) that a health service provider should be given consideration and recognition for the contribution he or she makes to health care;
- (e) that a person who provides care for another person receiving a health service should be given consideration and recognition for the contribution he or she makes to health care;
- (f) that the confidentiality of information about a person's health should be preserved;
- (g) that a person should be entitled to reasonable access to records concerning his or her health;
- (h) that a person should be entitled to reasonable access to procedures for the redress of grievances with respect to the provision of health services.

Related Statements, Codes and Instruments

In the process of researching patient charters in the Australian context a number of related statements, codes and instruments were identified that are related to the expression of patient rights. These include:

- the Catholic Health Australia foundation principles
- the Consumers Health Forum Charter of Health Consumer Rights
- the Royal Australian College of General Practitioners (RACGP) Standards for General Practices
- the Australian Medical Association (AMA) Code of Ethics, and
- the Code of Ethics for Nurses in Australia (a joint document of the Australian Nursing and Midwifery Council, Royal College of Nursing and the Australian Nursing Federation)

This is a sample of related statements, codes and instruments that promote patient rights and responsibilities and is not intended to be an exhaustive list.

Catholic Health Australia

Catholic Health Australia (CHA) is the largest non-government provider grouping of health, community and aged care services in Australia. The CHA ministry is defined by a set of foundational principles on their website which are similar to the elements of patient charters.

Foundation Principles¹⁵

- **Dignity:** each person has... a right to essential comprehensive health care.
- **Respect for human life:** from the moment of conception to natural death, each person has inherent dignity and a right to life consistent with that dignity.
- **Human equality:** ...no social and cultural discrimination
- **Service:** ...health care is a service not a commodity
- **Common good:** equitable access to care, developing research and training...
- **Association:** ...how we organise society affects human dignity
- **Preference for the poor:**...priority given [on the basis of] need
- **Stewardship:**...health resources...should be shared in the interests of the community
- **Subsidiarity:**...responses and resources are available, appropriate and effective

¹⁵ Catholic Health Australia, Vision Statement, *Foundation Principles*. Accessed 05/09/07. Retrieved from www.cha.org.au/site.php?id=12

Consumers' Health Forum

*Charter of Health Consumer Rights*¹⁶

The Consumers' Health Forum has a charter based on international declarations of human rights. The principles included in this charter also overlap with those in other public patient charters.

Charter of Health Consumer Rights

These rights outline the basic needs of health consumers:

- **The right to satisfaction of basic needs** – food, clothing, shelter, health care and education.
- **The right to safety** – protection against products, production processes and services which are hazardous to health or life.
- **The right to be informed** – given the facts needed to make an informed choice, and protected against dishonest or misleading advertising and labelling.
- **The right to choose** – to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.
- **The right to be heard** – to have consumer interests represented in the making and execution of government policy and in the development of products and services.
- **The right to redress** – to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services.
- **The right to consumer education** – to acquire knowledge and skills needed to make informed, confident, choices about goods and services, while having an awareness of basic consumer rights and responsibilities.
- **The right to a healthy environment** – to live and work in an environment which is non-threatening to the well being of present and future generations.

Royal Australian College of General Practitioners (RACGP)

*Standards for General Practices*¹⁷

The RACGP is responsible for setting the standards that are the basis for the accreditation of general practices. Some of these standards relate to medical practitioner interaction with patients that parallel the elements contained in patient charters. These include:

- respectful and culturally appropriate care
- providing opportunities for, and responding to, patient feedback
- patients need to give permission prior to the consultation for a third party to attend.

There are other RACGP standards that also compare to charter principles such as access to care, ensuring continuity of care, confidentiality of patient health records, and privacy of health information.

¹⁶ Consumers' Health Forum, Public Resources, Consumer Rights. Accessed 04/09/07. Retrieved from www.chf.org.au/public_resources/consumer_rights.asp

¹⁷ Royal Australasian College of General Practitioners, Standards for General Practices. Retrieved 22/08/07 from www.racgp.org.au/standards

The Australian Medical Association (AMA)

Code of Ethics¹⁸

The AMA has a Code of Ethics that sets standards for doctors around interaction with patients: respect, providing choice, maintaining confidentiality, including patients in treatment decisions, secure storage of patient information, fully informing patients about treatment, respecting a patient's right to not participate in clinical studies and to refuse treatment. While these provisions are not an expression of patient rights, they do set out what should be expected when doctors interact with patients.

The Code of Ethics for Nurses in Australia¹⁹

The Code of Ethics for Nurses in Australia is a joint document of the peak nursing bodies in Australia. Nursing care is based on a set of ethical standards that are directly related to patient rights and responsibilities. The Code is expressed in terms of a series of value statements. Nurses are to respect individual's needs, accept the rights of individuals to make informed choices in relation to their care, promote quality care, hold information in confidence, be accountable and responsible for their roles, and promote a safe environment and efficient use of resources.

¹⁸ Australian Medical Association. (2006). Code of Ethics. Retrieved. from www.ama.com.au/web.nsf/doc/WEEN-6VL8CP.

¹⁹ Australian Nursing and Midwifery Council, R. C. o. N., Australian Nursing Federation. (2002). Code of Ethics for Nurses in Australia. Retrieved. from http://www.anmc.org.au/docs/ANMC_Code_of_Ethics.pdf.

4. COMMON ELEMENTS IN PATIENT CHARTERS

On the basis of this review of patient charters in Australia it is possible to identify the most common principles expressed in them. These are listed in the box below.

1. Respect, dignity and consideration
2. Access to services, regardless of where you live
3. Standards of service, on the basis of need
4. Communication between consumer and provider,
5. Information and education about health care and treatment
6. Informed decision making, including informed consent, second opinion, & interpreter
7. Participation in research, experiments and teaching exercises
8. Participation of family, friends, carers, and advocates in health care
9. Confidentiality, privacy and security
10. Access to records
11. Safe environment and competent care
12. Feedback and complaints

APPENDIX 1: COMPARISON OF PATIENT CHARTERS

This table is based on the contents of the public patient's charters developed by each State and Territory, as well as the Private Patients' Charter. The information comes from the statements of rights in the charters (ie. the information included in the summaries in this document), as well as the explanatory notes provided with the charters.

Principle and objective	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	Private
Choice public / private patient status	x	x	x	x	x	x	x	x	x
Needs based	x	x	x	x	x	x	x	x	x
Access regardless of where live	x	x	x	x	x	x		x	
Access to (accredited) interpreter	x	x	x	x	x	x	x	x	
Agree/refuse training/research	x		x	x	x	x	x		
Respect and dignity	x	x	x	x	x	x	x	x	x
Accompanied by family/parent/other	x		x		x		x		
Informed consent / participatory decision making	x	x	x	x	x	x	x	x	x
Second opinion	x	x	x	x	x	x	x		x
Information about service, options, treatment, leaving hospital / Continuity, planning self-management	x	x	x	x	x	x	x	x	x
Access to medical records	x	x	x	x	x	x	x	x	x
Confidentiality and privacy	x	x	x	x	x	x	x	x	x
Compliment / complain	x	x	x	x	x	x	x	x	x
Mental health specific	x	x	x						
Visiting / safe from abuse	x		x		x		x		x
Advice about costs / transparency	x		x	x	x	x	x		x
Care and support from staff		x	x		x				x
Future decisions (living will)/ palliative care / capability	x				x		x		
Care regardless of social, financial, age, sex, religion, political belief,, sexuality, disability, health or legal status	x	x	x		x		x	x	
Competent health care	x	x			x		x		
Safe environment / trained staff	x	x							
Involvement in improving quality of care	x	x				x	x		
Inform provider about history/condition/ cancellation of appointment	x	x	x	x	x	x	x	x	
Treat staff/other patients with respect	x	x	x	x	x	x	x	x	