

Rights and Responsibilities of Patients and Family Members





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Hospital Alemão Oswaldo Cruz adopts a set of clear-cut ethical principles to guide the performance of its clinical staff, providing excellence in hospital care for patients in an environment of safety, privacy and respect. The participation and collaboration of patients and their families in medical treatment is encouraged, always respecting their rights and dignity.

The rights of users of Hospital Alemão Oswaldo Cruz services are as follows:

- I. To receive decent, careful and respectful care;
- II. To be identified and called by their first and last names;
- III. Not to be identified or called by numbers, codes or in general, disrespectful or biased terms;
- IV. To have their personal data protected, ensuring patient confidentiality, provided that no harm is caused to third parties or public health;
- V. To identify people directly or indirectly responsible for their care through visible, legible badges containing full name, occupation, title, and name of the institution;
- VI. To receive clear, objective and understandable information about:
 - a. Presumptive diagnosis;
 - b. Established diagnosis;
 - c. Required tests;
 - d. Therapeutic measures;

- e. Risks, benefits and any inconvenience resulting from the proposed diagnostic and therapeutic measures;
 - f. Expected duration of the proposed treatment;
 - g. In cases of invasive diagnostic or therapeutic procedures, need (or not) for anesthesia, the type of anesthesia to be used, instruments to be used, the affected body parts, side effects, risks and unintended consequences, and the expected duration of the procedure;
 - h. Tests and approaches to be performed;
 - i. The purpose of material collected for examination;
 - j. Alternative diagnosis and therapy, regarding patient care or other services;
 - k. Any information that is deemed necessary.
- VII. To freely and voluntarily give or refuse consent, after proper explanation and information, to diagnostic or therapeutic procedures as listed by the institution, in accordance with the institutional policy of obtaining informed consent from patients prior to any procedure;
- VIII. To access at any time their medical records, in accordance with Article 3 of Supplementary Law 7,191 (Mar. 09, 1995) and with Article 6 of Resolution 1,605 of the Federal Council for Medicine (Sep. 15, 2000);
- IX. To find their medical records correctly and legibly filled out – records should contain a set of standardized documents describing the patient's history, disease onset and progress, clinical reasoning, tests, therapeutic approach, and other clinical reports and notes;
- X. To have the following information described in their medical records, especially if the patient is unconscious during medical care/treatment:

- a. All drugs used with their dosage;
 - b. The amount of blood received and data that can allow the patient to identify the origin of the blood, serological tests performed and expiration date.
- XI. To be informed of the origin of the blood and blood products and to verify, before transfusion, the stamps that attest the origin of the blood, serological tests performed and expiration date;
- XII. To receive the diagnosis and indicated treatment in writing, with the name of the health professional in charge and license number;
- XIII. To receive prescription:
 - a. Typed or in legible handwriting;
 - b. Without the use of codes or abbreviations;
 - c. With the name of the health professional in charge and license number;
 - d. With the signature of the health professional in charge;
 - e. With the generic name of the prescribed drug(s).
- XIV. To have their physical integrity, privacy, individuality, and ethical and cultural values respected during appointments, hospitalization, diagnostic and therapeutic procedures, and physiological needs, to have their personal data protected and assured safety during procedures;
- XV. To be accompanied to appointments and hospitalizations by a person indicated by the patient;
- XVI. To receive immediate and prompt assistance from a primary health care team professional at the scene in order to improve their comfort and well-being;
- XVII. To accept or refuse moral, psychological, social

or religious assistance. Members of a religious order who are called to provide assistance should comply with statutory and internal rules of Hospital Alemão Oswaldo Cruz during their activities in order not to cause hazards to patients or hospital safety, in accordance with Public Law 9,982 (July 14, 2000);

- XXIII. To receive medical care in a decent and appropriate place;
- XXIX. To be previously and expressly informed on whether the proposed treatment is experimental or part of research;
- XX. To receive anesthesia in all indicated cases;
- XXI. To refuse painful or extraordinary life-prolonging treatment;
- XXII. To choose the place of death;
- XXIII. In compliance with the STATUTE OF CHILDREN AND ADOLESCENTS (Public Law 8,069 of July 13, 1990), providing for full protection to children and adolescents – considering people aged under 12 years as children and those aged 12 to 18 years as adolescents –, Hospital Alemão Oswaldo Cruz should provide adequate facilities for the full-time stay of a parent or legal guardian in cases of hospitalization of children or adolescents;
- XXIV. After hospital admission, the children's medical records should contain a list of people who may accompany them full time during their hospital stay;
- XXV. In compliance with the STATUTE OF THE ELDERLY (Public Law 10,741 of Oct. 1, 2003), which is intended to regulate the rights granted to people aged 60 years or over, elderly inpatients or under observation should be guaranteed the right to a companion, and Hospital Alemão Oswaldo Cruz should provide adequate facilities for their full-time stay, according to medical

criteria. As provided in the sole paragraph of Article 16, the health professional in charge of treatment should grant permission for elderly patient companion or, if this is not possible, the reason for this decision should be explained in writing;

XXVI. In compliance with Article 6 of the CONSUMER PROTECTION CODE (Public Law 8,078 of Sep. 11, 1990), patients are guaranteed all basic consumer rights, such as protection of life and health, precautions against risks, adequate information about treatment and services provided, and all other rights under applicable law, except as provided in Article 4, §4 of the aforementioned statute;

- a. Patients are entitled to explanations and written statements on all items charged in their hospital bill (Brazilian Ministry of Health, Ordinance 1,286 of Oct. 26, 1993 – under Article 8 –, and Ordinance 74 of May 4, 1994).

Hospital Alemão Oswaldo Cruz should take all necessary measures within its reach during medical procedures to obtain the best medical condition for patients; in cases of refusal to receive blood products, under imminent danger of dying, this decision shall be binding only if expressed under court order, to be obtained by those responsible for the patient. This conduct is supported by Resolution 1,021/80 of the Federal Council for Medicine.

Patients declare that they are aware of their free choice of physician to be in charge of their treatment and that this physician is responsible for the therapeutic approaches performed and potential repercussions.

Inpatients of Hospital Alemão Oswaldo Cruz will be authorized to leave hospital facilities only after hospital discharge is granted by the physician in charge, after the adoption of all applicable procedures, or upon the signing of a formal request for discharge by the patient or legal guardian in cases in which hospital discharge does not pose serious or life-threatening risks to patients.

Inpatients are not allowed to leave hospital facilities for examination, unless authorization has been provided by the physician in charge and all relevant medical evaluations have been performed.

Patients should be transferred to other hospitals by ambulance, in accordance with criteria established by Resolution 1,672 of the Federal Council for Medicine (July 9, 2003).

The Policy for the Rights of Patients and Family Members at Hospital Alemão Oswaldo Cruz is based on State Law 10,241 (Mar. 17, 1999), providing for the rights of users of health services in the state of São Paulo; on Public Law 8,069 (July 13, 1990), providing for the Statute of Children and Adolescents; on Public Law 10,741 (Oct. 1, 2003), providing for the Statute of the Elderly; and on Public Law 8,078 (Sep. 11, 1990), providing for consumer protection.

Patient's responsibilities

As in any relationship, in addition to rights, patients have certain responsibilities towards the hospital and hospital staff, as follows:

- Patients should provide all information about their health status, including currently used drugs and current and past medical problems. Patients should also acknowledge the understanding of medical actions, which are being performed or proposed seeking a cure for their health problem(s) or aiming at the prevention of complications or sequelae, rehabilitation and health promotion, by asking questions whenever they have doubts or, if this is not possible, by indicating someone who can do so;
- Patients should follow the instructions and recommendations of the physician in charge and hospital staff, clarifying any questions concerning information about their health status and treatment, thus being responsible for the consequences of their refusal to provide clarification;

- Patients should notify the physician in charge or hospital staff of any changes in their health condition or symptoms, including pain;
- Patients should comply with internal hospital rules and should also be responsible for providing all necessary documents for hospital admission (e.g. application for admission and prescription, ID, national health card or authorization from the health insurance) and for their hospital bill;
- Patients should respect the rights of other patients, health care providers and hospital staff with regard to noise, number and behavior of their visitors. Patients, family members and visitors should also comply with Public Law 9,294 of 1996, banning smoking in hospitals.

In case of doubt, please call the Department of Social Services:
(+55 11) 3549 1510 or 3549 1511.



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