PROFESSIONAL-PATIENT RELATIONSHIP

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Well-being of patient

From ancient times, physicians have recognized that the health and well-being of patients depend upon a collaborative effort between physician and patient.

Patients share with physicians the responsibility for their own health care.
Paternalism is a behavior of a doctor which limits patient’s liberty or autonomy for his/her decision in medical act.

The word paternalism is from the Latin pater for father

"Doctor knows best"
Medical antipaternalism

Anti-paternalism is the view that we should not limit patient’s liberty or autonomy.

“Does doctor know best”
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

Basic principles

• respecting the fundamental human rights and human dignity within health care system;
• recognition of human life and health as a supreme value;
• orientation toward maintaining the life, physical and mental health of the patient while providing health care services;
• respecting the moral and cultural values of patient's, and also his/her religious and philosophical beliefs;
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

Basic principles

• recognition of the patient, and in cases provided by law, recognition of his/her legal representative (close relatives), as the main participant in the decision on medical intervention;

• regulating the rights, responsibilities and conditions of patients' rights with the purpose of protecting his/her health, and to respect the rights of others;

• mutual trust between patient and medical worker.
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

• free medical care in the limits established by law;
• respectful and humane attitude of the health care provider, regardless of age, gender, ethnicity, social and economic status, political and religious views;
• security of personal life, physical, mental and moral integrity, discretion during the providing of health care services;
• reduction of suffering and relief of pain that was caused by an illness and/or medical intervention, by all legal means and available methods, as determined by the existing level of medical science and real possibilities of health care provider;
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

- alternative medical opinion and receiving recommendations of other professionals, at his/her request or his/her legal representative (close relatives), as established by law
- medical insurance (compulsory and voluntary), in accordance with law;
- information about the health care provider, profile, volume, quality, cost and the way of providing these services;
- examination, treatment and bedding in a proper sanitary and hygienic norms;
- comprehensive information about their health, diagnosis, treatment and recovery, prevention, as well as the potential risk and therapeutic effectiveness of them;
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

• complete information about harmful factors of environment;

• voluntary expression of consent or refusal of medical intervention and participation in biomedical research (clinical trials), as established by this Law and other regulations;

• acceptance or refusal to conduct religious rituals during hospitalization in the medical and sanitary facility, if this does not affect its activity and does not cause moral harm to other patients;

• assistance of a lawyer or other representative in order to protect his/her interests, as established by law;
Patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

• information on results of examination of complaints and requests, as provided by law;
• attack, by extrajudicial and judicial means of medical personnel’s actions, and health service providers and officials responsible for ensuring health care and related services in the limits provided by law;
• appropriate terminal care;
• compensation for health damage, according to law.
Limiting patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

- hospitalization and examination of patients suffering from mental illnesses, according to the Law nr.1402, 1997 regarding psychiatric care, taking into account patient's requests, depending on his/her functioning capabilities;
- mandatory medical examination of persons who voluntarily donate blood, biological fluids, organs and tissues;
- carry out primary mandatory medical examination in order to detect dangerous diseases that may present a social threat, for employment reasons, and the mandatory periodic medical examinations of workers from certain domains, immigrants and emigrants, this list being approved by the Ministry of Health;
Limiting patients’ rights
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

• undergoing compulsory medical examination, including the detection of HIV / AIDS, syphilis and tuberculosis in prison inmates;
• mandatory hospitalization and isolation (quarantine) of people affected and those suspected of contagious infections that may present threat to the society.
Patients’ responsibilities
(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

• to take care of his/her own health and live a healthy lifestyle, excluding deliberate action that are harmful to him/herself and others;
• to observe the methods of precaution while making contact with other people, including health care workers, if he/she is aware of the presence of a disease that presents a social danger;
• to undertake, in the absence of medical contraindications, mandatory prophylactic measures, including immunizations, whose failure threatens their health and creates social danger;
Patients’ responsibilities

(Law nr. 263 of 27.10.2005 regarding patient rights and responsibilities)

- to provide the medical workers with complete information about the current and previous diseases, about his diseases that present a social threat, including situations of voluntary donation of blood, biological fluids, organs and tissues;
- to follow the rules of conduct established for patients within medical institutions and also doctor’s recommendations during outpatient and inpatient treatment;
- to exclude the use of pharmaceuticals and other medical substances without doctor's prescription and acceptance, including drugs, other psychotropic substances and alcohol during the period of treatment in the medical institution;
- to respect the rights and dignity of other patients and health care staff.
Confidentiality

The information disclosed to a physician during the course of the relationship between physician and patient is confidential to the greatest possible degree.

The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services.
Law of Healthcare no. 411:

Article 14. (1): Physicians, other healthcare workers, pharmacists are obliged to keep confidential information about the disease, the patient's private and family life they learned in the exercise of profession, except for danger of spread of communicable diseases at the reasoned request of the prosecution authorities or courts.
Article 12. Guaranteeing patient’s right to confidentiality

(1) All data regarding the identity and condition of the patient, results of investigations, diagnosis, prognosis, treatment and personal data are confidential and will be protected even after his/her death.
Article 13. Professional secrecy

(1) The doctor is required to preserve professional secrecy.

(2) Information about the solicitation of health care, health status, diagnoses and other data obtained by the physician in the process of examining and treating a patient, are considered personal and professional secrets and may not be disclosed by the doctor.
Disclosure of confidential information

The Law regarding patient rights and responsibilities no. 263

Article 12. Guaranteeing patient’s right to confidentiality

(3) The confidential information may be disclosed only if the patient explicitly agrees, or at the request of his/her legal representative or close relatives, depending the conditions imposed by the patient, in the appropriate measure of ability to understand, in situations when the patient exercise capacity is weakened or missing, or if the law is urgently requesting it.
Disclosure of confidential information

The Law regarding patient rights and responsibilities no.263

Article 12. Guaranteeing patient’s right to confidentiality

(4) Disclosure of confidential information without patient’s or his/her legal representative’s consent is allowed in the following situations:

• a) to engage other specialists in the treatment process, including examination and treatment in case of emergency when the patient is unable to express his/her wish because of his/her health condition, but only to the required extend in order to take appropriate decisions;

• b) to inform the authorities and institutions of state sanitary-epidemiological service in the event of a real danger of spreading of infectious diseases, poisonings and mass contamination;

• c) at the appropriate request of the prosecuting authority, court, in connection with a criminal investigation or trial, in accordance with law;
Article 12. Guaranteeing patient’s right to confidentiality (4)

- c¹) at the request of the ombudsman and members of the advisory board, created by the Center for Human Rights, in order to ensure protection of persons against torture and other cruel, inhuman or degrading treatment;
- d) to inform parents or legal guardians of persons under the age of 18 years old, in case exposing them to medical treatment;
- e) in case of a possibility that the harm to someone’s health is the result of illegal or criminal actions, in this case the information being presented to the law enforcement authorities.
Informed consent

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(1) A required condition prior to the medical intervention is the patient's consent, with exceptions provided by law.
Informed consent

**Legislative issues**

The Law regarding patient rights and responsibilities no.263

**Article 13.** Consent and manner of modifying of the treaty or refusal of medical intervention

(2) The patient’s consent to medical intervention may be verbal or written, and shall be performed by its registration in his/her medical documentation, with mandatory signature by the patient or his/her legal representative (close relative) and the doctor.

For high-risk medical intervention (invasive or surgical nature), the consent is mandatory, in written form, by completing a special form of medical documentation, called informed consent. The list of medical interventions that require a written consent and the model of this form is developed by the Ministry of Health.
Informed consent

Legislative issues

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(3) The informed consent must contain the information presented in an accessible form for the patient, about the:

- purpose,
- effect,
- methods of medical interventions,
- their potential risks,
- possible social, psychological, financial consequences,
- and also options of alternative treatment and medical care.
Informed consent

Legislative issues

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(8) In case of an emergency medical intervention necessary to save patient's life, when he/she can’t express the wish, and consent of his legal representative (close relatives) can’t be achieved on time, medical staff, in a manner authorized established by law, has the right to take the right decision in the interests of the patient.
Informed consent

Legislative issues

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(9) The patient's written consent is required for the collection, storage and use of all biological products obtained from his/her body, including organs and tissues, for transplantation purpose.
Informed consent

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(10) The patient may not be photographed, filmed or exhibited in any other form or presented as a study object in a medical institution without the written consent of his/her legal representative (close relatives). Patient's consent is also necessary in case of his/her participation in clinical medical education.
The Law regarding patient rights and responsibilities no.263

**Article 14.** Ensuring patient's rights during the biomedical research (clinical trials) regarding to the application of new methods of diagnosis, treatment, prevention, rehabilitation, medications and other similar means.

(1) Each biomedical research (clinical trial) may be performed only after obtaining written consent of the patient or his/her legal representative (close relatives) in accordance with this law.
Informed consent

Refusal of medical intervention

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(4) The patient or his/her legal representative (close relative) has the right to opt out the medical intervention at any stage, except cases of limiting patient’s rights, with bearing the responsibility for such a decision.
The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(5) In case of refusal of the medical intervention, expressed by the patient or his/her legal representative (close relative), there will be explained the possible consequences in an accessible form. The patient’s refusal shall be documented, indicating the possible consequences, and shall be signed by the patient or his/her legal representative (close relative) and by the treating physician.
Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(6) In case of intentional evasion of the patient to put signature in order to certifying that he/she was informed about the potential risks and possible consequences of refusal of the proposed medical intervention, the document must be signed by the director, head of department and the treating physician.
Informed consent

Refusal of medical intervention

The Law regarding patient rights and responsibilities no.263

Article 13. Consent and manner of modifying of the treaty or refusal of medical intervention

(7) In case of refusal of medical care by the patient's legal representative (close relative), when such assistance is necessary to save patient's life, guardianship (tutorial) bodies have the right to request health care organizations to address the court for protection of the sick person.