

The Joint Commission: Patient Rights

Patient Rights

Lesson Information

Purpose

To provide healthcare workers with information to increase their knowledge and to help them meet the requirements of The Joint Commission, Occupational Safety and Health Administration, and other regulatory bodies, with the goal of providing safe, competent, and quality patient care.

Abstract

Patient rights are vital to prevent abuses of patient trust and possible patient harm. Some patient rights are guaranteed by federal and state law, but ALL healthcare providers are responsible for protecting and promoting each patient's rights¹ -even if the patient is not under their care at that point in time. Some examples of laws and regulations that support this responsibility are:

- Patient's Bill of Rights
 - There is more than one bill of rights. Various groups have developed their own version. The American Hospital Association (AHA) developed the first Bill of Rights in the 1970s.
- Health Information Portability and Accountability Act (HIPAA) Privacy Rule – requires that healthcare providers protect the privacy of patient health information and track those who access their information.²
- Emergency Medical Treatment and Active Labor Act (EMTALA) – protects patients who have true emergency medical conditions from refusal of care and unnecessary transfer.
- Federal laws are integrated into Medicare and Medicaid regulatory requirements.

Objectives

After completing this lesson, you should be able to:

- Identify the rights of patients that impact the provision of care.
- Explain the role of the patient as a partner in care.
- Describe ways to involve patients with their care, treatment, and services.

Consultants

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Introduction

Patient rights are vital to prevent abuses of patient trust and possible patient harm. Some patient rights are guaranteed by federal and state law, but ALL healthcare providers are responsible for protecting and promoting each patient's rights¹ -even if the patient is not under their care at that point in time. Some examples of laws and regulations that support this responsibility are:

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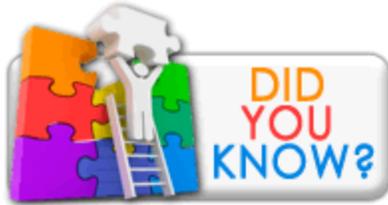
Patient Bill of Rights

Patients have both rights and responsibilities^{1,3,4}:

- The right to informed consent and to confidentiality, but the responsibility to provide all relevant information and participate in care.

Hospitals will often publish a Patient's Bill of Rights and designate Patient Advocates who can help navigate issues.

States have ombudsmen who can assist with issues involving long-term care.



Other patient rights:

- [Patient Rights AND responsibilities regarding health care insurance under the Affordable Care Act](#)
- [Patient's Medicare rights](#)

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Health Information Portability and Accountability Act (HIPAA)

Federal law requires hospitals to protect the privacy of a patient's information.²

- The information has to be collected in a confidential manner.
- Access to the information must be limited to only those who are authorized or are caring for that patient.
- Hospitals must track who has had access to the patient's information. They must also provide patients with a list of individuals who have accessed their information, if the patient requests such information.

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Emergency Medical Treatment and Active Labor Act (EMTALA)

Federal law governs when and how a patient could be refused care or transferred to another hospital.⁵

EMTALA applies ONLY to hospitals that accept funds from federal sources (i.e., Medicare providers).

It requires a hospital to provide a medical screening examination to determine if an emergency medical condition exists.

If an emergency medical condition exists, then the law absolutely prohibits refusing care AND restricts if and when the patient can be transferred.

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Federal Law and Regulatory Requirements

The Centers for Medicare and Medicaid Services (CMS) requires that healthcare organizations support patient rights, as well as address patient grievances.¹

- CMS requires this of any organization that wishes to participate in CMS as a provider of healthcare.

- CMS requirements are called Conditions of Participation (CoP). CMS surveyors may ask nursing staff how they support patient rights as a Condition of Participation in Medicare.

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Knowledge Check: Patient's Right and Responsibilities

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

The right to informed consent and to confidentiality, plus the responsibility to provide all relevant information and participation in care are examples of a patients' rights and responsibilities.

- True
- False

 Check Answer

 Reset Choices

ANSWER:

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

The right to informed consent and to confidentiality, plus the responsibility to provide all relevant information and participation in care are examples of a patients' rights and responsibilities.

- True
 False

 Check Answer  Reset Choices

That's correct. [Click for Rationale](#)

Rationale

The right to informed consent and to confidentiality plus the responsibility to provide all relevant information and participation in care are examples of a patient's rights and responsibilities.

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Patient Rights Across Deemed Agencies

CMS mandates that all deemed agencies require their accredited hospitals demonstrate compliance with the same set of patient rights.¹

- CMS does not mandate *how* the deemed agency requires its accredited hospital to demonstrate evidence of patient rights.
- Every patient right assumes the patient is a willing partner in their care. Thus, every right has an unspoken patient obligation to object if they feel their rights are not respected.

Click the **More Information** tab to learn about CMS Deemed Status.

CMS Deemed Status

CMS contracts with a limited number of survey organizations that are deemed to have the same level of standards for hospitals.

- The Joint Commission (TJC)

- Det Norske Veritas (DNV)
- Healthcare Facilities Accreditation Program (HFAP)/American Osteopathic Association (AOA)
- Center for Improvement in Healthcare Quality (CIHQ)

There are also “deemed” agencies for Outpatient, Ambulatory Surgery Centers, Durable Medical Equipment and Respiratory Care, Home Health, and Hospice.

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Recognizing and Respecting Patient Rights

The Joint Commission (TJC) requires its accredited agencies to recognize and respect the rights of patients.³ Hospital processes and activities must allow a patient to:

- Receive information in a manner (s)he understands
- Participate in decisions about his/her care, including advance directives
- Give or withhold consent
- Know their providers
- Maintain confidentiality of their personal information
- Receive care in privacy or an environment that preserves dignity and promotes positive self-image

Click the **More Information** tab to learn about Det Norske Veritas (DNV).

Det Norske Veritas (DNV)

DNV requires its accredited agencies to promote and protect the rights of patients.⁴ Hospital policies and procedures must allow a patient to:

- Receive a Beneficiary Notice of non-coverage with the right to appeal premature discharge
- Obtain information for informed decisions on care planning and treatment in a manner and form that can be understood
- Participate in decisions regarding his/her care
- Request or refuse treatment
- Receive Personal Privacy and Confidentiality of clinical records
- Receive care in a safe setting

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Recognizing and Respecting Patient Rights, continued

Additional requirements from The Joint Commission to recognize and respect patient rights include³:

- Receiving care that is free from neglect, exploitation, and verbal/mental/physical, or sexual abuse
- Having pain managed appropriately
- Receiving the visitors they choose
- Having complaints reviewed by the hospital

Click the **More Information** tab to learn about Det Norske Veritas (DNV).

Det Norske Veritas (DNV)

Additional requirements from Det Norske Veritas to promote and protect patient rights include⁴:

- Being free from all forms of abuse or harassment
- Having pain managed appropriately
- Receiving the visitors they choose
- Being able to submit a formal grievance

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Details on the Patients' Right to Receive Information

Whenever possible, the hospital should inform the patient of all their rights in advance of providing care or discontinuing care.¹

Click the arrows to view more information on the right to receive information.



Inform the Patient's Right in Advance (Continued)

- Hospitals must have policies and procedures that enforce patients' rights.^{3,4}
- The nurse is obligated to follow these policies.
- Hospitals must provide for interpretation services.³
- Nurses must assess for the need of a translator. Patients, as partners in their care, should request interpretation services if they are experiencing difficulty understanding information.
- Hospitals must present information in a manner and format that can be understood by the patient.^{3,4}
- Nurses must assess if the patient understands what is being communicated to them.
- Patients **MUST** understand the content (i.e., risk, benefit, and alternatives) before signing a consent form.

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Click the arrows to view more information on the right to receive information.



Informed Consent

The patient must be informed (and understand) before signing a consent form.

- o Information **MUST** include an explanation of risks, benefits, and alternatives to the procedure/treatment provided by the clinician(s) who will **PERFORM** the procedure.
- o Information **MUST** include who will do the procedure or who will do certain tasks as part of the procedure.

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Click the arrows to view more information on the right to receive information.



Informed Consent (Continued)

- Most organizations require a witness when the patient signs the consent form. In those cases, the witness is only witnessing the signature, not the explanation of the procedure.
 - o ALL clinicians who care for the patient should confirm with the patient that she/he understands the risks, benefits, and alternatives.
 - o Patients, as partners in their care, should speak up if they do not understand something.
 - o If the patient does not understand, the clinician should contact the person who will perform the procedure and ask her/him to communicate again with the patient.¹

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Knowledge Check: Patient's Right to Receive Information

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

During an admission assessment, the nurse notes that English is not the patient's preferred language. Which action protects the patient's rights?

- Show the patient a brochure with pictures.
- Give the patient information written in English.
- Provide the patient with access to the internet.
- Ask the patient her preference for receiving information.

 Check Answer

 Reset Choices

Tries Remaining: 2

ANSWER:

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

During an admission assessment, the nurse notes that English is not the patient's preferred language. Which action protects the patient's rights?

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- Give the patient information written in English.
- Provide the patient with access to the internet.
- Ask the patient her preference for receiving information.

 Check Answer

 Reset Choices

Tries Remaining: 1

That's correct. [Click for Rationale](#)

Rationale

Communication is a vital element of patient safety and quality care. All patients have the right to receive information in a manner he or she understands. Asking the patient for her preference allows her to choose the most effective way to communicate.

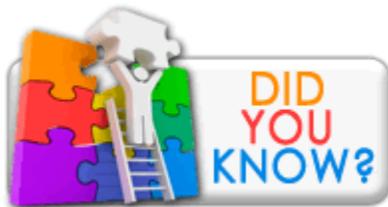
Details on the Patient's Right to be Involved In Their Care

Hospitals must include the patient (or their legal representative) in the development, implementation, and modification of his/her plan of care. Hospitals must respect each patient's wishes and honor advance directives and medical durable power of attorneys.^{1,3,4}

- Accrediting agencies will ask hospitals how it demonstrates patient involvement in the plan of care. Hospitals require that nurses document patient comments as part of the care planning process.

Patients have the right to request or refuse treatment.^{1,3,4}

- This is NOT the same as requiring the hospital to render care that is medically inappropriate or unnecessary.
- Patients, as partners in their care, should be willing to speak up about their requests/refusals.
- The nurse must advocate for the patient and take the patient's wishes up the chain of command if there is an issue. The patient's choice(s) may not match the nurse's philosophies or beliefs. Nonetheless, the nurse must respect the patient's beliefs and values.



The clinician is responsible for informing the hospital (AT THE TIME OF THEIR EMPLOYMENT or IMMEDIATELY upon determining an objection) of cases in which the clinician has religious or other objections to patient choices. The hospital is not obligated to provide alternate duties if the clinician does not state this information in advance.

Details on the Patient's Right to Privacy

You must provide privacy during personal hygiene activities, medical/nursing treatments, and any time it is requested by the patient.^{3,4}

- In areas other than private rooms, speak quietly, pull curtains, and withhold discussions about the patient in any public areas.
- In areas with constant observation (ICU, psychiatric areas, etc.), the right to privacy may be limited.
- Hospitals must protect vulnerable patients (newborns, children, elderly, etc.).

Details on the Patient's Right to Confidentiality

Hospitals must have sufficient safeguards in place to ensure that access to patient information is limited to only those individuals authorized to have a *need to know* for that patient.^{1,2,3,4}

- Clinical records must be kept secure and ONLY viewed when necessary and ONLY by those persons who have a part in that patient's care.
- Clinicians should use computer screen savers or covers to prevent inadvertent visibility of the screen to others. Hard copy charts should not be accessible to a public hallway, nor should chart labels or room assignment white boards be easily read by those in hallways.

Confidentiality applies to both clinical records, but also to patient information in other areas, such as radiology, laboratory, or record storage areas.¹⁻⁴

- All staff (not just clinical staff) are responsible for protecting information – do not release information without WRITTEN permission.

Knowledge Check: Patient's Right to Privacy

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

Two patients are placed in a semi-private room together. While providing personal hygiene for one of the patients, which action protects the patient's rights?

- Speak loudly while explaining the plan of care to the patient.
- Pull the curtain between the patient beds and close the door.
- Allow the patient to walk to the bathroom with private areas exposed.
- Discuss the patient's plan of care with a coworker over the patient intercom system.

 Check Answer  Reset Choices Tries Remaining: 2

ANSWER:

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

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 Check Answer  Reset Choices

Tries Remaining: 1

That's correct. [Click for Rationale](#)

Rationale

A patient has a right to privacy and to be treated in a dignified manner during personal hygiene activities, medical/nursing treatments, and anytime requested by the patient. In any area other than private rooms, hospital workers should speak quietly, pull curtains, and withhold discussions about the patient in public areas.

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Details on the Patient's Right to a Safe Environment and Freedom From Abuse

Hospital staff must follow current standards for environmental safety, infection control, and safety.^{3,4}

- All staff are accountable for basic policies, such as hand hygiene. Patients, as partners in their care, should be willing to speak up and request staff to wash their hands if the patient has not observed the staff doing so.
- All staff are accountable for basic safety, such as cleaning up spills, even though it may not be their usual job duties.

The hospital must ensure patients are free from [abuse](#), [neglect](#), and harassment.^{3,4}

- The hospital must have mechanisms in place to prevent abuse/neglect/harassment.
- Policies and procedures must be in place.
- Staff must know how to recognize and report issues.

Click the **More Information** tab to learn about grievances.

Grievances

The complaint resolution process consists of the following^{3,4}:

- Hospitals must inform the patient and family in advance of their right to file a grievance and the complaint resolution process.
- Patients, as partners in their care, should speak up about their issues or complaints and be willing to work with the staff to immediately resolve an issue.
- Hospitals must review and resolve complaints
 - CMS defines a specific timeline
- Hospitals must acknowledge receipt of the complaint.
- Hospitals must allow the patient to voice complaints and recommend changes freely without being subject to coercion, discrimination, reprisal, or unreasonable interruption of care.

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Details on the Patient's Right to Visitation

The hospital must develop policies and procedures on visitation that describe CLINICALLY necessary restrictions.^{3,4}

- Staff must be able to speak to surveyors about the policy and any restrictions.

The hospital must inform patients of their visitation rights (including any restrictions), as well as the right to only receive the visitors the patient designates.^{3,4}

- The patient's clinical record should document what and how visitation was discussed.

The hospital may not restrict visitation privileges on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, or disability.^{3,4}

- The hospital may not restrict visitation by a greater degree than an immediate family member would enjoy.

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Talking to Patients About Their Rights and Their Responsibilities

Hospital organizations must inform patients and/or their families about their rights and responsibilities.

- Have copies of the Patient Bill of Rights available.

- Some hospitals provide specific training on how to inform patients of their rights.

Be able to talk to patients about advance directives. Your own hospital may have a specific team that handles the legalities of paperwork.

Be responsive and non-judgmental when the patient wants to file a complaint. Follow through with organizational processes for communicating the complaint to hospital leadership.

Explain patient responsibilities for their own care, treatment, and services.

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How to Involve Patients as Partners in Their Care

Hospital organizations must inform patients and/or their families about their rights and responsibilities.

- Ask the patient for input when developing their plan of care.
 - Talk about options of alternative care, timing of treatments or medications, preferences for meals, etc.
- Engage the patient in conversation about informed consent.
 - Confirm that they really do understand the risks, benefits, and alternatives.
- Solicit the patient's satisfaction with their care.
 - This could be accomplished by asking a simple question of "Are we doing what you need us to do?" "Is there anything else I can do for you before I leave for the day?"

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Knowledge Check: Patients as Partners

Select the correct answer choice, and then click **Check Answer**.

Question 1 of 1

Which is an example of a patient acting as a partner in care in the complaint resolution process? A patient who:

- Speaks up about an issue and willingly works with the staff to resolve it.
- Complains to his significant other about his care but doesn't tell staff.
- Writes a letter of complaint after being discharged from the hospital.
- Remains silent and accepts unsatisfactory care.

 Check Answer

 Reset Choices

Tries Remaining: 2

ANSWER:

Select the correct answer choice, and then click **Check Answer**.

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- Remains silent and accepts unsatisfactory care.

 Check Answer

 Reset Choices

Tries Remaining: 1

That's correct. [Click for Rationale](#)

Rationale

Patients, as partners in their care, should speak up about their issues or complaints and be willing to work with the staff to immediately resolve an issue.

Summary

Many patient rights are guaranteed by law, such as those integrated into the Centers for Medicare & Medicaid Services (CMS) Conditions of participation or required by accreditation organizations such as TJC or DNV. In this lesson, you learned that it is your responsibility to protect and promote each patient's rights and to talk to patients about these rights and responsibilities. Patients have an obligation, as a partner in care, to give healthcare providers all relevant information needed for their care, as well as actively participate in their care.

Patient rights include, but are not limited to:

- Care that is free from neglect; exploitation; and verbal, mental, physical, or sexual abuse
- Receiving information in a manner the patient understands
- Participating in decisions about his/her care, including advance directives
- Giving or withholding consent
- Receiving information about those who are involved in their care
- Maintaining personal information private
- Receiving care in a private environment that preserves dignity and promotes positive self-image
- Having their pain managed
- Receiving the visitors they choose
- Having complaints reviewed by the hospital

Click the **Take Test** button to begin the test.

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Resources

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U.S. Department of Health and Human Services Office of Civil Rights. A Patient's Guide to the HIPAA Privacy Rules. http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/consumer_ffg.pdf. Accessed September 30, 2015.

Post Test

1. A patient has a right to receive information about his or her care in a manner he or she can understand. Patients, as partners in their care, should request interpretation services if they are experiencing difficulty understanding information.
 - A. True
 - B. False
2. In the healthcare setting, all healthcare providers are responsible for protecting and promoting each patient's rights.
 - A. True
 - B. False
3. The Centers for Medicare and Medicaid Services contracts with which of the following survey organizations that are deemed to have the same level of standards for hospitals? *Select all that apply.*
 - A. Det Norske Veritas (DNV)
 - B. The Joint Commission (TJC)
 - C. Occupational Safety and Health Administration (OSHA)
 - D. American Hospital Association (AHA)
 - E. Center for Improvement in Healthcare Quality (CIHQ)
4. A patient tells the registered nurse that his pain medication is not working. After additional assessment, the nurse calls and discusses other possible options for pain control with the patient's physician. Which right did the nurse recognize and respect?
 - A. The right to be free from all forms of abuse.
 - B. The right to submit a formal grievance.
 - C. The right to have pain managed appropriately.
 - D. The right to know his providers.
5. The patient has a right to request or refuse treatment. As a partner in care, the patient should be willing to speak up about his/her request or refusal.
 - A. True
 - B. False
6. Which describes an effective way to involve a patient in his/her plan of care, treatment, or services?

- A. Withholding information that may upset the patient.
- B. Helping the patient recognize insufficient medical advice.
- C. Assume that the patient already knows his/her plan of care.
- D. Asking the patient if he/she is satisfied with their care.

7. Which are example(s) of patient involvement in the plan of care? Select all that apply.

- A. Allowing a patient to choose his/her preference for meals.
- B. Telling the patient that he must go to physical therapy.
- C. Discussing options for timing of treatments or medications.
- D. Asking the patient to explain the risks, benefits and alternatives for his care.

8. To recognize and respect patient rights, organizations that are accredited by TJC are required to allow a patient to (select all that apply):

- A. Request the phone numbers and addresses of nursing staff.
- B. Receive care in privacy and with preserved dignity.
- C. Be free from neglect, and verbal, mental, physical, and sexual abuse.
- D. Know the name of a roommate and his/her diagnosis.
- E. Submit a complaint and have that complaint reviewed by the hospital.
- F. Receive religious or other spiritual services as requested.

9. A hospital must include the patient (or his/her legal representative) in the development, implementation, and modification of his/her plan of care.

- A. True
- B. False

10. The Centers for Medicare and Medicaid Services (CMS) requires that healthcare organizations support patient rights, as well as address patient grievances.

- A. True
- B. False