



HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

**GUIDELINES FOR GOOD PRACTICE
IN THE HEALTHCARE PROFESSIONS**

NATIONAL PATIENTS' RIGHTS CHARTER

BOOKLET 3

PRETORIA

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ETHICAL AND PROFESSIONAL GUIDELINES

High quality clinical outcomes are only achieved if patients and healthcare professionals trust each other explicitly. Practice in the healthcare profession is therefore a moral enterprise and demands that healthcare practitioners have a life-long commitment to sound, ethical professional practice and an unstinting dedication to the interests and wellbeing of society and their fellow human beings.

It is in this spirit that the HPCSA has formulated these ethical guidelines, to guide and direct the practice of healthcare practitioners. The guidelines apply to all persons registered with the HPCSA and are the standard against which professional conduct is evaluated.

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| Note that the term health professionals, healthcare provider and health professional are used interchangeably in this document. |
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NATIONAL PATIENTS' RIGHTS CHARTER

PREAMBLE

The Department of Health, in consultation with various other bodies, developed the National Patients' Rights Charter. The HPCSA has accepted the charter as launched by the Minister of Health, and hereby formalises its provisions in the form of ethical guidelines for health practitioners.

NATIONAL PATIENTS' RIGHTS CHARTER

1. INTRODUCTIONS

- 1.1 For many decades most of the South African population experienced either a denial or violation of their fundamental human rights, including rights to access to healthcare services.
- 1.2 To ensure the realisation of the right of access to healthcare services as guaranteed in the Constitution of the Republic of South Africa, 1996, the Department of Health has committed to upholding, promoting, and protecting these rights and, therefore, proclaims this Patients' Rights Charter as a common standard for achieving the realisation of this rights.
- 1.3 Health practitioners should adhere to the stipulations of this charter as it relates to them.
- 1.4 At a professional conduct inquiry, the professional board concerned shall be guided by the relevant legislations, ethical rules, ethical rulings, these ethical guidelines, as well as any other professional board's policies and directives.
- 1.5 Patients are advised to report any violation of these Charters committed by the health practitioners, as a formal complaint, to council for management. Any other matter falling outside of the jurisdiction of Council should be addressed to relevant entity for management.

2. PATIENTS' RIGHTS

2.1 HEALTHY AND SAFE ENVIRONMENT

- 2.1.1 Everyone has a right to a healthy and safe environment that will ensure their physical and mental health or well-being, including adequate water supply, sanitation and waste disposal, as well as protection from all forms of environmental danger, such as pollution, ecological degradation or infection.

2.2 PARTICIPATION IN DECISION-MAKING

- 2.2.1 Every citizen has the right to participate in the development of health policies, and decision-making on matters affecting one's own health.

2.3 ACCESS TO HEALTH CARE

Everyone has the right to access to healthcare services that include -

- 2.3.1 **receiving timely emergency care** at any healthcare facility that is open, regardless of one's ability to pay.
- 2.3.2 **treatment and rehabilitation** that must be made known to the patient to enable the patient to understand such treatment or rehabilitation and the consequences thereof.
- 2.3.3 **provision for special needs** in the case of newborn infants, children, pregnant women, the aged, disabled persons, patients in pain, including persons living with HIV or AIDS patients.
- 2.3.4 **counselling** without discrimination, coercion or violence on matters such as reproductive health, cancer or HIV/AIDS.
- 2.3.5 **palliative care** that is affordable and effective in cases of incurable or terminal illness.
- 2.3.6 a **positive disposition** displayed by healthcare practitioner that demonstrates courtesy, human dignity, patience, empathy and tolerance.
- 2.3.7 **health information** that includes information on the availability of health services and how best to use such services, and such information, where possible, be in the language understood by the patient.

2.4 KNOWLEDGE OF ONE'S HEALTH INSURANCE/MEDICAL AID SCHEME

- 2.4.1 For a patient who is a member of a health insurance or medical aid scheme, a health practitioner should be afforded sufficient information about their health insurance or medical aid scheme and to be informed of the challenge, where necessary, decisions on such health insurance or medical aid scheme relating to their quantum of reimbursement.

2.5 CHOICE OF HEALTH SERVICES

- 2.5.1 Everyone has a right to choose a particular health practitioner for services or a particular health facility for treatment, provided that such choice shall not be contrary to the ethical standards applicable to such health practitioner or facility.

2.6 TREATED BY A NAMED HEALTH PRACTITIONERS

- 2.6.1 Everyone has a right to know the person that is providing healthcare and, therefore, must be attended to by only an identifiable health practitioner.

2.7 CONFIDENTIALITY AND PRIVACY

- 2.7.1 Information concerning one's health, including information concerning treatment may only be disclosed with informed consent, except when required in terms of any law or any order of court.

2.8 INFORMED CONSENT

- 2.8.1 Everyone has a right to be given full and accurate information about the nature of one's illnesses, diagnostic procedures, the proposed treatment and risks associated therewith, and the costs involved.

2.9 REFUSAL OF TREATMENT

- 2.9.1 A person may refuse treatment either verbally or in writing, provided that such refusal does not endanger the health of others. Health practitioners shall record such refusal on the patient's health record.

2.10 A SECOND OPINION

- 2.10.1 Everyone has the right, on request, to be referred for a second opinion to a health practitioner of choice.

2.11 CONTINUITY OF CARE

- 2.11.1 No one shall be abandoned by a health professional or a health facility which initially took responsibility for one's health without appropriate referral or hand-over.

2.12 COMPLAINTS ABOUT HEALTH SERVICES

- 2.12.1. Everyone has the right to complain about healthcare services, to have such complaints investigated and to receive a full response on such investigation.

2.13 RESPONSIBILITIES OF THE PATIENT

Every patient or client has the following responsibilities: -

- 2.13.1 To take care of his or her own health.
 2.13.2 To care for and protect the environment.
 2.13.3 To respect the rights of other patients and healthcare providers.

- 2.13.4 To utilise the health care system properly and not to abuse it.
- 2.13.5 To know his or her local health services and what they offer.
- 2.13.6 To provide health care providers with relevant and accurate information for diagnostic, treatment, rehabilitation or counselling purposes.
- 2.13.7 To advise health care providers of his or her wishes with regard to his or her death.
- 2.13.8 To comply with the prescribed treatment or rehabilitation procedures.
- 2.13.9 To enquire about the related costs of treatment and/or rehabilitation and to arrange for payment.
- 2.13.10 To take care of the health records in his or her possession.

Ethical guidelines for good practice in the health care professions

The following Booklets are separately available:

- Booklet 1:** *General ethical guidelines for health care professions.*
- Booklet 2:** *Ethical and professional rules of the health professions council of South Africa as promulgated in government gazette R717/2006.*
- Booklet 3:** *National Patients' Rights Charter.*
- Booklet 4:** *Seeking patients' informed consent: The ethical considerations.*
- Booklet 5:** *Confidentiality: Protecting and providing information.*
- Booklet 6:** *Guidelines for the management of chronic diseases.*
- Booklet 7:** *Guidelines withholding and withdrawing treatment.*
- Booklet 8:** *Guidelines on Reproductive Health management .*
- Booklet 9:** *Guidelines on Patient Records.*
- Booklet 10:** *Guidelines for the practice of Telehealth.*
- Booklet 11:** *Guidelines on over servicing, perverse incentives and related matters.*
- Booklet 12:** *Guidelines for the management of health care waste.*
- Booklet 13:** *General ethical guidelines for health researchers.*
- Booklet 14:** *Ethical Guidelines for Biotechnology Research in South Africa.*
- Booklet 15:** *Research, development and the use of the chemical, biological and nuclear weapons.*
- Booklet 16:** *Ethical Guidelines on Social Media.*
- Booklet 17:** *Ethical Guidelines on Palliative Care.*