



HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

**GUIDELINES FOR GOOD PRACTICE
IN THE HEALTH CARE PROFESSIONS**

NATIONAL PATIENTS' RIGHTS CHARTER

BOOKLET 3

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ETHICAL AND PROFESSIONAL RULES

Practice as a health care professional is based on a relationship of mutual trust between patients and health care practitioners. The term "profession" means "a dedication, promise or commitment publicly made".¹ To be a good health care practitioner, requires a life-long commitment to sound professional and ethical practices and an overriding dedication to the interests of one's fellow human beings and society.

In the course of their professional work health care practitioners are required to subscribe to certain rules of conduct. To this end the Health Professional Council of South Africa has formulated a set of rules regarding professional conduct against which complaints of professional misconduct will be evaluated. These rules are reproduced in this booklet.

¹ Pellegrino, ED. Medical professionalism: Can it, should it survive? *J Am Board Fam Pract* 2000; 13(2):147-149 (quotation on p. 148).

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NATIONAL PATIENTS' RIGHTS CHARTER

PREAMBLE

The Department of Health, in consultation with various other bodies, developed a National Patients' Rights Charter.

The document contained herein was launched by the Minister of Health and agreed to by the HPCSA. It has since been included in the Board's *Handbook for Interns, Accredited facilities and Health Authorities*.

NATIONAL PATIENTS' RIGHTS CHARTER

1. INTRODUCTION

- 1.1 For many decades the vast majority of the South African population has experienced either a denial or violation of fundamental human rights, including rights to health care services.
- 1.2 To ensure the realisation of the right of access to health care services as guaranteed in the *Constitution of the Republic of South Africa, 1996 (Act No. 109 of 1996)*, the Department of Health is committed to upholding, promoting and protecting this right and, therefore, proclaims this PATIENTS' RIGHTS CHARTER as a common standard for achieving the realisation of this right.
- 1.3 Equally, Practitioners should adhere to the stipulations of this charter as it relates to them.

2. PATIENTS' RIGHTS

2.1 HEALTHY AND SAFE ENVIRONMENT

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

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

2.3 ACCESS TO HEALTH CARE

Everyone has the right to access to health care services that include -

- a. **receiving timely emergency care** at any health care facility that is open, regardless of one's ability to pay;
- b. **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;
- c. **provision for special needs** in the case of newborn infants, children, pregnant women, the aged, disabled persons, patients in pain, persons living with HIV or AIDS patients;
- d. **counselling** without discrimination, coercion or violence on matters such as reproductive health, cancer or HIV/AIDS;
- e. **palliative care** that is affordable and effective in cases of incurable or terminal illness;
- f. a **positive disposition** displayed by health care providers that demonstrates courtesy, human dignity, patience, empathy and tolerance;
- g. **health information** that includes information on the availability of health services and how best to use such services, and such information shall be in the language understood by the patient.

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

A member of a health insurance or medical aid scheme is entitled to information about that health insurance or medical aid scheme and to challenge, where necessary, the decision of such health insurance or medical aid scheme relating to the member.

2.5 CHOICE OF HEALTH SERVICES

Everyone has a right to choose a particular health care provider 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 care provider or facility.

2.6 TREATED BY A NAMED HEALTH CARE PROVIDER

Everyone has a right to know the person that is providing health care and, therefore, must be attended to by only clearly identified health care providers.

2.7 CONFIDENTIALITY AND PRIVACY

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

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

A person may refuse treatment and such refusal shall be verbal or in writing, provided that such refusal does not endanger the health of others.

2.10 A SECOND OPINION

Everyone has the right on request to be referred for a second opinion to a health provider of one's choice.

2.11 CONTINUITY OF CARE

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

2.12 COMPLAINTS ABOUT HEALTH SERVICES

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

3. RESPONSIBILITIES OF THE PATIENT

Every patient or client has the following responsibilities:

- 3.1 To take care of his or her own health.
- 3.2 To care for and protect the environment.
- 3.3 To respect the rights of other patients and health care providers.
- 3.4 To utilise the health care system properly and not to abuse it.
- 3.5 To know his or her local health services and what they offer.
- 3.6 To provide health care providers with relevant and accurate information for diagnostic, treatment, rehabilitation or counselling purposes.
- 3.7 To advise health care providers of his or her wishes with regard to his or her death.
- 3.8 To comply with the prescribed treatment or rehabilitation procedures.
- 3.9 To enquire about the related costs of treatment and/or rehabilitation and to arrange for payment.
- 3.10 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 patients with HIV infection or AIDS*
- 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 Telemedicine*
- 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:** *Professional self-development*