

Patients' Rights

What You Can Expect from Your Doctor or Medical Facility

BY RICHARD T. O'CONNOR, ESQ.

Every patient of a hospital or clinic and every resident of a convalescent or nursing home licensed by the Mass. Department of Public Health has rights, as stated in Chapter 11, Section 70E, "Patients' and Residents' Rights," of the General Laws of Massachusetts.

Upon admittance to any such facility, each patient or resident should receive a copy of these rights, and a copy is required to be conspicuously posted in the facility as well. These rights are summarized as follows:

- Freedom of choice in selection of facility and physician, except in case of emergency medical treatment;
- An itemized bill for services, including a copy of any bill submitted to a third party for payment;
- The name and specialty of the physician responsible for treatment;
- Confidentiality of medical records;
- Prompt and adequate response to reasonable requests;
- Explanation of facility affiliation with other health care facilities or organizations;
- A copy of patient or resident rules as promulgated by the facility;
- Information regarding financial assistance and access to free care;
- To inspect and receive a copy of the patient's medical record;
- To refuse to be examined or treated by students;
- To refuse to be included in a research project;
- To privacy during medical treatment;

- To lifesaving treatment without regard to financial status;
- To informed consent, including risks and benefits of treatment;
- The prompt and safe transfer of the patient from one facility to another facility as a result of economic status; and



Richard T. O'Connor, Esq.

- For female rape victims, emergency contraception information prepared by the commission of public health.

In addition, there are other rights included in the statute specific to maternity patients and patients scheduled for breast-implantation surgery.

Many patient rights have a direct connection to federal legislation, as well as state legislation. As examples, the right to medical record confidentiality is supported by the Health Insurance Portability and Accountability Act, and the right to transfer a patient from one facility to another facility is regulated by the Emergency Medical Treatment and Active Labor Act.

Also, hospitals and nursing homes often include a list of patient rights that are very specific to the respective facility, and these rights are in addition to those mandated by state and federal legislation. These rights often appear along with the man-

dated rights in a facility publication titled "Notice of Patients' Rights." A few of these additional rights are as follows:

- To be free from abuse or harassment;
- Appropriate pain management; and
- To formulate advanced

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directives, including life sustaining treatment.

In addition, it is not uncommon for hospitals and nursing homes to allow the patient to have a personal representative attend a conference while discussing treatment plans and options. To improve security and communication, facilities have enacted policies requiring that all employees and visitors wear standard identification badges provided by the facility, and visitors may also be requested to sign a guest register.

In order to enforce patient rights, hospitals and nursing homes appoint patient or resident advocates and compliance officers. These people are charged with addressing patient and resident questions and concerns as they relate to the care provided within the facility. This helps to prevent patients and residents from feeling as though their concerns are insignificant and unworthy of being heard.

Patient and resident rights are not, however, limited to a list posted in a hospital or nursing home. Massachusetts has established an Office of Patient Protection within the Department of Public Health. The staff of this office provides assistance to patients having questions or problems with their managed-care health-insurance plans. This office also assists patients who wish to appeal a decision reached by the managed-care plan administration regarding their care or treatment options.

Certainly, entering a hospital as a patient or moving into a nursing home as a resident can be a daunting experience. To a patient or resident, these facilities can appear to be an intimidating structure of technology enveloped in a maze of sterile corridors. Fortunately, the reality is that many dedicated and compassionate people are ready to care for the patient or resident. Patients' rights represent one component among many aimed at achieving the mission of delivering quality care to patients and residents alike.

Knowing that there are specific rights and personnel available to assist in understanding and enforcing these rights may help making a patient feel less intimidated and more at ease. ❖

Attorney Richard T. O'Connor serves as of-counsel with the regional law firm Bacon Wilson. He is a member of the firm's health care department with extensive experience in the areas of business, hospital, and employment law; (413) 781-0560; roconnor@baconwilson.com