1.04 Patient Rights Legislation
Patient Rights Legislation

- Patient’s Bill of Rights
  - The Health Care Consumer
  - Consumer Bill of Rights
  - Consumer Responsibilities
- Omnibus Budget Reconciliation Act
- Patient Self-Determination Act
- Health Insurance Portability and Accountability Act (HIPAA)
Patient Rights Legislation

Patient’s Bill of Rights (1973, revised 1992)

- Statement of rights that patients are entitled to while in the care of a physician or in the hospital
- Includes:
  - Choice of providers
  - Confidentiality
  - Information disclosure
  - Participation in treatment decisions
  - Respect
Patient Rights Legislation

The Healthcare Consumer

- March 1998, the Advisory Commission on Consumer Protection and Quality in the Healthcare Industry outlined the Consumer Bill of Rights and Responsibilities.

- Purpose
  - Build consumer confidence
  - Support the healthcare provider and patient-provider relationship
  - Emphasize the role of the consumer with regard to health improvement
Patient Rights Legislation

- **Consumer Bill of Rights**
  - Information disclosure
  - Choice of providers
  - Access to emergency services
  - Participation in treatment decisions
  - Respect and nondiscrimination
  - Confidentiality of health information
  - Complaints and appeals
Patient Rights Legislation

- **Consumer Responsibilities**
  - Healthy habits
  - Participate in healthcare decisions
  - Communicate relevant information to healthcare provider
  - Avoid knowingly spreading disease
  - Recognize the risks and limits of medical care
  - Know about healthcare insurance plan
  - Show respect
  - Make effort to pay your bills
  - Report fraud or wrongdoing
Patient Rights Legislation

- The Health Care Consumer Bill of Rights is used to develop healthcare insurance plans.

- The Health Care Consumer must be familiar with their rights and responsibilities.
Patient Rights Legislation

**Omnibus Budget Reconciliation Act (1987)**

- Regulates long term care and home health
- Requires nurse aide training/certification for nursing and geriatric assistants
- States specific skills to be mastered
- Requires continuing education, and work evaluations
- Requires retraining and/or testing if unemployed for 2 or more years
- Limits use of restraints
Patient Rights Legislation

**Nursing Home Reform Act (1990)**

- Patient must be fully evaluated upon admission to a nursing home
  - Health
  - Memories
  - Habits
  - Hobbies
- A plan of care must be written and maintained
- Must have annual re-evaluation
Patient Rights Legislation

Patient Self-Determination Act (1990)

- Healthcare agency receiving Federal Aid must inform a patient about advanced directives at the time of admission
- Healthcare agency must provide education for staff
Patient Rights Legislation

Health Insurance Portability and Accountability Act (HIPAA) (1996)

- Protects the individual medical information of a patient and includes:
  - Name
  - Address
  - Diagnosis billing information
- Provides for security of that information
Patient Rights Legislation

Health Insurance Portability and Accountability Act (HIPAA)

- Gives patient more control over their health information
- Sets boundaries on the use and release of health records
- Establishes safeguards to protect records
- Punishes violators
- Enables patients to make choices
- Gives patients the right to obtain a copy of their records
Patient Rights Legislation

Health Insurance Portability and Accountability Act (HIPAA)

- Permits release of information needed to protect public health
  - Prevent disease
  - Protect from injury or disability
Patient Rights Legislation

Health Insurance Portability and Accountability Act (HIPAA)

Exempt information:

- Births
- Deaths
- Injuries caused by violence
- Communicable diseases
- Sexually transmitted diseases
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