



Patient Rights Practices & Strategies

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Introduction

- The right to become a patient ↔ The right as a patient
- Scheme:
 - Historical development of patient rights
 - Definition and types of patient rights
 - Implementing individual patient rights in Europe
 - National policies in patient rights



Historical development of patient rights

- The ‘human rights’ movement
- Developments within healthcare systems

- The American Hospital Association’s Patients’ Bill of Rights
- Charter of the Hospital Patient Rights
- European Charter on the Sick and Dying
- WHO Declaration of the promotion of patients’ rights in Europe
- Convention on Human Rights and Biomedicine
- European Charter of Patients’ Rights



Definition and types of patient rights

- Specific features of patient rights
 - No validated definition
 - A transposition of more general human rights
 - Social versus individual patient rights
 - General versus specific patient rights



Definition and types of patient rights

- Patient rights according to their enforceable character
 - Legal rights
 - Quasi legal rights
 - Patient Charters
- Special and split patient rights laws



Implementing individual patient rights in Europe

- The European Union
 - Individual patient rights affected by European Policies
 - The Data Protection Directive
 - The Clinical Trials Directive
 - European Charter of Human Rights



Implementing individual patient rights in Europe

- The Council of Europe
 - European Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the application of Biology and Biomedicine
 - Claims to cover “all medical and biological applications concerning human beings, including preventive, diagnostic, and therapeutic and research applications”.
 - 13 EU Member States have already signed and ratified the Convention.
 - Majority Central or Eastern European countries



National Policies on Patient Rights

- Limited to the national regulations and documents that have been specially elaborated in order to give protection to the general individual patient rights

The 'nominate treatment contract' model (the 'Dutch' model)

- The Netherlands: first European country with a specific regulation of the treatment contract between doctor and patient
- Other countries:
 - Estonia
 - Lithuania
 - Slovakia

The 'innominate treatment contract' model

- Contractual nature of the rights of patients and the duties of the physician is generally accepted in the jurisprudence and the legal literature, although not a specific contract
 - Special patient rights law with legal rights
 - Hungary
 - Belgium
 - Spain



The ‘innominate treatment contract’ model

- Special patient rights law with quasi-legal rights
 - Latvia
 - Greece
 - Austria
 - France
 - Romania
 - Cyprus



The ‘innominate treatment contract’ model

- Split patient rights law (combined with a Charter or not)
 - Bulgaria
 - Czech Republic
 - Germany
 - Italy
 - Luxembourg
 - Poland
 - Portugal
 - Slovenia



The Vertical or Public Model

- Legislation of obligations: the doctor and the hospital have obligations in relation to the patient
 - Finland
 - Denmark
 - Ireland
 - Malta
 - Sweden
 - United Kingdom

		SPECIAL		SPLIT
CONTRACTUAL - HORIZONTAL	LEGAL	NOMINATE	Netherlands (1994) <i>Estonia</i> (*) (2001) <i>Lithuania</i> (*) (2001) <i>Slovakia</i> (*) (2004)	<i>Bulgaria</i> (*) <i>Czech Republic</i> (*) Germany Italy Luxembourg Poland <i>Portugal</i> (*) <i>Slovenia</i> (*)
	QUASI LEGAL	INNOMINATE	<i>Hungary</i> (**) (1997) Belgium (2002) <i>Spain</i> (*) (2002)	
			Latvia (1997) <i>Greece</i> (*) (1997-2005) Austria (2002) France (2002) <i>Romania</i> (*) (2003) <i>Cyprus</i> (*) (2005)	
PUBLIC – VERTICAL (incl. CHARTERS)		Finland (1992) <i>Denmark</i> (**)(1998-2005)		Ireland Malta Sweden UK

(*) *Countries that have ratified the Biomedicine Convention with a monistic system and where the patient rights norms of the Convention are directly applicable*

(**) *Countries that have ratified the Biomedicine Convention with a dualistic system*

Concluding remark

- Patient rights/ rights of users of genetic services - protection in Europe

= DIVERSITY