

THE INFORMED PATIENT



Patient's Rights

The patient has the following rights:

- **The right to good quality healthcare and fair treatment;**
- **Access to treatment;**
- **The right to access their own medical records;**
- **Autonomy;**
- **The right to complaints.**

The Right to Good Quality Healthcare and Fair Treatment

- Every person having health insurance has the right to receive such healthcare that his/her medical condition requires. The treatment will be given according to the resources currently available to the healthcare service.
- The patient has the right to expect good quality in healthcare. The patient must be treated in such a way that their beliefs and privacy are respected and their dignity remains unoffended.

The Right to Good Quality Healthcare and Fair Treatment

- The patient's native language, culture and individual needs must be taken into account when possible in his/her treatment.
- Healthcare services must be provided in such a way that all people, regardless of age, medical condition or abilities, enjoy the same status.

Access to Treatment

- A patient must have fast access to urgent care if her/his illness or injury requires it.
- Access to non-emergency treatment is regulated by the public health law and special health care law. Health centres must be immediately available by telephone on weekdays. The patient's need for treatment must be evaluated within three days of initial contact.

Access to Treatment

- The patient must be notified of the date of beginning the treatment. If the date is changed, the patient must be notified of the reason for change and given a new date for beginning the treatment.
- If the hospital is unable to treat the patient in the required time, the hospital must organise the treatment elsewhere, for example, in another hospital or in a private healthcare setting.

The Patient's Right to Access Their Own Medical Records

- The patient must be given information on different treatment alternatives, effects of the treatments and possible side effects. The patient must be given information on all the aspects related to his/her treatment that are significant when deciding the treatment.

The Patient's Right to Access Their Own Medical Records

- However, the patient may not be given information if she/he refuses it.
- The information must not be given if it is evident to the doctor that this information will cause serious harm to the patient's life or health.

The Patient's Right to Access Their Own Medical Records

- The information must be given in such a way that the patient understands it well enough. If a healthcare professional does not speak the patient's language or the patient cannot be understood because of speech or sensory disorders, an interpreter should be invited when possible.
- The patient has the right to examine her/his own medical information held in medical records. If the patient finds the information faulty, he/she can request a correction.

Patient Autonomy

- The patient must agree to be treated. The patient must not be given such treatment or operations that she/he refuses. If the patient refuses treatment, he/ she must be treated depending on circumstances with another medically acceptable alternative that the patient approves.
- If the patient and doctor cannot reach an agreement on the treatment, the final decision rests with the doctor by virtue of medical reasons. The patient does not have the right to receive any treatment she/he wishes.

Patient Autonomy

- The patient has the right to refuse treatment.

The doctor must explain in a comprehensible way to the patient what this refusal may lead to. If the patient still refuses medical examination or treatment, then this refusal must be marked in the medical records and this fact must be confirmed in a verifiable way.

Informed Consent



- **Consent** is permission for something to happen or to do something.
- **Consent** is an extension of patient autonomy and is of many types.
- **Implied consent** is when a doctor assumes that certain actions or body language from a patient imply that the patient has consented to the planned action of the doctor.
- **Expressed oral consent** is when a patient has verbally given the doctor permission to proceed with the intended action.

Informed Consent

- **Expressed written consent** is documented evidence that the patient has, usually with a signature, given consent to a procedure. The written consent should only be obtained after the oral consent.
- **Fully informed consent** is consent given after the patient is fully informed about the procedure. When possible, both written and oral consent should be obtained before any procedure, examination or treatment.

The Patient's Right to Complaints

- Patients or their closest relatives who are dissatisfied with the care provided are entitled to submit an objection to the Health Care Manager of the unit in question and/ or the District Administrative Board or to the National Authority for Medicolegal Affairs.

The Patient's Rights to Health Information

The patient has the following rights:

- The right to access their own health information (inspect and copy);
- The right to an accounting of disclosures of their own health information;
- The right to correct or amend their own health information;
- The right to notice of privacy practices;
- The right to file a complaint.



Does the patient have the right to see and get a copy of their own health records?

Yes. The patient has the right to inspect, review, and receive a copy of their own health records that are held by health care providers.

- In a few special cases, the patient may not be able to get all the information. For example, the doctor may decide that something in the file could physically endanger the patient.
- Copies must be given to the patient within 30 days. If the health information is not maintained or accessible on-site, it can take up to 60 days to meet the request.
- It is free of charge, but the patient may have to pay for the cost of copying and mailing.

Does the patient have the right to know when the healthcare provider has shared their health information with people out of the health institution?

- **Yes.** The patient has the right to know when the healthcare provider has shared the patient's health information with another person or organization. There are some major exceptions to this right.

Can the patient ask to correct the information in their own health records?

- **Yes.** The patient can ask the healthcare provider to correct the health record by adding information to it to make it more accurate or complete. In most cases, the patient's medical record should be changed within 60 days.

Does the patient have the right to file a complaint?

- **Yes.** If the patient believes that their own information was used or shared in a way that is not allowed under the Privacy Rule, or if the patient was not able to exercise their own health information rights, he/ she can file a complaint against the healthcare provider.

Confidentiality (Definition)

Confidentiality is the practice of keeping private information secret.



Confidentiality

- The duty of confidentiality includes a responsibility to make sure that the written patient's information is kept secure and secret. Confidential records should not be left where other people may have casual access to and information about patients should be sent under private and confidential cover.
- Confidentiality is not an absolute principle – there are several exceptions.

Disclosure without a Patient's Consent

- The information can be disclosed without a patient's consent in two cases – if the disclosure is required by law or if the disclosure is in the public interest. This is the case when the patient has explicitly refused consent or is incapable of giving consent.

Solicitors

- Solicitors often ask for medical information, particularly those parts that are relevant to, for example, personal injury claims. They may ask for copies of certain documents, which could include details of the patient's medical history.
- According to court rules in Moldova, records should be disclosed in accordance with the patient's wishes or on the orders of a court.

Members of the Clinical Team

- Patient care is usually team-based and access to patient information is crucial for the patient's safety and continuity of care. Most patients are aware that information about them needs to be shared among the healthcare professionals.
- They should be informed of this and, if they ask for the information about them to be kept confidential, this should be respected. The only exception is if withholding information would place others at risk of death or serious harm.

Publishing Case Reports, Photographs and Recordings

The patient's consent is also required before individual case histories, photographs or recordings are published in media that the public has access to, even if they have been anonymised.

For the following recordings permission is not required:

- Images of internal organs or structures;
- Images of pathology slides;
- Laparoscopic and endoscopic images;
- Recordings of organ functions;
- Ultrasound images;
- X-rays.

Relatives

- Discussing a patient's care with relatives can be problematic. In general, the information should be given to the patient, who can then pass it on to the family as he/ she sees adequate, but it would be extremely callous for a doctor to refuse to say anything to the concerned relatives. If the patient is conscious and able to make decisions, the simplest thing is to ask whether he/ she agrees that the doctor should talk to the relatives and, if so, how much the doctor may tell them.

Relatives

- You should also share relevant personal information with anyone who is authorised to make decisions on behalf of the patient, or who is appointed to support and represent a mentally incapacitated patient.

The Police

In general, the police have no more right of access to confidential information than anybody else, except in the following circumstances:

- Under road traffic legislation where the police may require the name and address of someone suspected of traffic offences.
- The patient has given consent to the release of information.
- In compliance with a court order.
- The public interest in disclosing information outweighs the public interest in preserving patient's confidentiality.



VARIANTA ROMÂNĂ

Patient's Rights

The patient has the following rights:

- **The right to good quality healthcare and fair treatment;**
- **Access to treatment;**
- **The right to access their own medical records;**
- **Autonomy;**
- **The right to complaints.**

Pacientul are următoarele drepturi:

- **Dreptul la asistență medicală de bună calitate și tratament echitabil;**
- **Accesul la tratament;**
- **Dreptul de acces la propriile dosare medicale;**
- **Autonomie;**
- **Dreptul la reclamații.**

The Right to Good Quality

Healthcare and Fair Treatment

- Every person having health insurance has the right to receive such healthcare that his/her medical condition requires. The treatment will be given according to the resources currently available to the healthcare service.
- The patient has the right to expect good quality in healthcare. The patient must be treated in such a way that their beliefs and privacy are respected and their dignity remains unoffended.
- Fiecare persoană care are asigurare de sănătate are dreptul să primească o astfel de asistență medicală pe care condiția medicală o cere. Tratatamentul se va acorda în funcție de resursele disponibile în prezent serviciului de asistență medicală.
- Pacientul are dreptul să se aștepte la o bună calitate în domeniul asistenței medicale. Pacientul trebuie tratat în așa fel încât să i se respecte convingerile și viața privată, iar demnitatea să rămână neofensată.

The Right to Good Quality Healthcare and Fair Treatment

- The patient's native language, culture and individual needs must be taken into account when possible in his/her treatment.
- Healthcare services must be provided in such a way that all people, regardless of age, medical condition or abilities, enjoy the same status.
- Limba maternă, cultura și nevoile individuale ale pacientului trebuie luate în considerare când este posibil în tratamentul acestuia.
- Serviciile de asistență medicală trebuie să fie furnizate astfel încât toți oamenii, indiferent de vârstă, stare medicală sau abilități, să se bucure de același statut.

Access to Treatment

- A patient must have fast access to urgent care if her/his illness or injury requires it.
- Access to non-emergency treatment is regulated by the public health law and special health care law. Health centres must be immediately available by telephone on weekdays. The patient's need for treatment must be evaluated within three days of initial contact.
- Pacientul trebuie să aibă acces rapid la îngrijirea urgentă dacă boala sau leziunea acestuia o cere.
- Accesul la tratament neurgent este reglementat de legea sănătății publice și de legea specială în domeniul sănătății. Centrele de sănătate trebuie să fie disponibile imediat prin telefon în zilele lucrătoare. Nevoia de tratament a pacientului trebuie evaluată în termen de trei zile de la contactul inițial.

Access to Treatment

- The patient must be notified of the date of beginning the treatment. If the date is changed, the patient must be notified of the reason for change and given a new date for beginning the treatment.
- If the hospital is unable to treat the patient in the required time, the hospital must organise the treatment elsewhere, for example, in another hospital or in a private healthcare setting.
- Pacientul trebuie informat despre data începerii tratamentului. Dacă data este modificată, pacientul trebuie să fie informat despre motivul schimbării și să primească o nouă dată pentru începerea tratamentului.
- Dacă spitalul nu poate trata pacientul în timpul necesar, spitalul trebuie să organizeze tratamentul în altă parte, de exemplu, într-un alt spital sau într-o instituție privată de asistență medicală.

The Patient's Right to Access Their Own Medical Records

- The patient must be given information on different treatment alternatives, effects of the treatments and possible side effects. The patient must be given information on all the aspects related to his/her treatment that are significant when deciding the treatment.
- Pacientul trebuie să primească informații cu privire la diferite alternative de tratament, efectele tratamentelor și posibilele efecte secundare. Pacientul trebuie să primească informații cu privire la toate aspectele legate de tratamentul său care sunt semnificative atunci când se decide tratamentul.

The Patient's Right to Access Their Own Medical Records

- However, the patient may not be given information if she/he refuses it.
- The information must not be given if it is evident to the doctor that this information will cause serious harm to the patient's life or health.
- Cu toate acestea, pacientul nu poate primi informații în cazul în care refuză.
- Informațiile nu trebuie furnizate în cazul în care pentru medic este evident că aceste informații vor dăuna grav vieții sau sănătății pacientului.

Patient Autonomy

- The patient must agree to be treated. The patient must not be given such treatment or operations that she/he refuses. If the patient refuses treatment, he/ she must be treated depending on circumstances with another medically acceptable alternative that the patient approves.
- If the patient and doctor cannot reach an agreement on the treatment, the final decision rests with the doctor by virtue of medical reasons. The patient does not have the right to receive any treatment she/he wishes.
- Pacientul trebuie să accepte tratamentul. Pacientul nu trebuie să primească astfel de tratamente sau operații pe care le refuză. Dacă pacientul refuză tratamentul, acesta trebuie tratat în funcție de circumstanțe, cu altă alternativă acceptabilă din punct de vedere medical pe care pacientul o aprobă.
- Dacă pacientul și medicul nu pot ajunge la un acord privind tratamentul, decizia finală revine medicului din motive medicale. Pacientul nu are dreptul să primească orice tratament pe care îl dorește.

Patient Autonomy

- The patient has the right to refuse treatment.

The doctor must explain in a comprehensible way to the patient what this refusal may lead to. If the patient still refuses medical examination or treatment, then this refusal must be marked in the medical records and this fact must be confirmed in a verifiable way.

- Pacientul are dreptul să refuze tratamentul.

Medicul trebuie să explice într-un mod inteligibil pacientului la ce poate duce acest refuz. Dacă pacientul încă refuză examinarea medicală sau tratamentul, acest refuz trebuie să fie marcat în dosarul medical și acest fapt trebuie confirmat într-un mod verificabil.

Informed Consent

- **Consent** is permission for something to happen or agreement to do something.
- **Consent** is an extension of patient autonomy and is of many types.
- **Implied consent** is when a doctor assumes that certain actions or body language from a patient imply that the patient has consented to the planned action of the doctor.
- **Expressed oral consent** is when a patient has verbally given the doctor permission to proceed with the intended action.
- Consimțământul este permisiunea ca ceva să se întâmple sau acordul de a face ceva.
- Consimțământul este o extensie a autonomiei pacientului și este de multe tipuri.
- **Consimțământul implicit** este atunci când un medic presupune că anumite acțiuni sau limbajul corpului a unui pacient implică faptul că pacientul a consimțit la acțiunea planificată a medicului.
- **Consimțământul exprimat oral** este atunci când un pacient a dat verbal medicului permisiunea de a continua acțiunea intenționată..

Informed Consent

- **Expressed written consent** is documented evidence that the patient has, usually with a signature, given consent to a procedure. The written consent should only be obtained after the oral consent.
- **Fully informed consent** is consent given after the patient is fully informed about the procedure. When possible, both written and oral consent should be obtained before any procedure, examination or treatment.
- Acordul exprimat în scris este o dovadă documentată că pacientul, de obicei, cu o semnătură, a dat consimțământul unei proceduri. Consimțământul scris trebuie obținut numai după consimțământul oral.
- Consimțământul complet informat este consimțământul dat după ce pacientul este pe deplin informat despre procedură. Atunci când este posibil, trebuie obținut consimțământul scris și oral înainte de orice procedură, examinare sau tratament.

The Patient's Right to Complaints

- Patients or their closest relatives who are dissatisfied with the care provided are entitled to submit an objection to the Health Care Manager of the unit in question and/or the District Administrative Board or to the National Authority for Medicolegal Affairs.
- Pacienții sau rudele lor cele mai apropiate care sunt nemulțumiți de îngrijirea oferită au dreptul să depună o obiecție către Managerul pe sănătate al unității în cauză și / sau către consiliul de administrație raional sau către Autoritatea Națională pentru Afaceri Medico-juridice.

The Patient's Rights to Health Information

The patient has the following rights:

- The right to access their own health information (inspect and copy);
- The right to an accounting of disclosures of their own health information;
- The right to correct or amend their own health information;
- The right to notice of privacy practices;
- The right to file a complaint.

Pacientul are următoarele drepturi:

- Dreptul la acces la propriile informații de sănătate (inspectare și copiere);
- Dreptul la o contabilitate (explicație) a dezvăluirii propriilor informații de sănătate;
- Dreptul de a corecta sau de a modifica propriile informații de sănătate;
- Dreptul la notificarea practicilor de confidențialitate;
- Dreptul de a depune o plângere.

Does the patient have the right to see and get a copy of their own health records?

Are pacientul dreptul de a vedea și de a obține o copie a propriului dosar medical?

Yes. The patient has the right to inspect, review, and receive a copy of their own health records that are held by health care providers.

- In a few special cases, the patient may not be able to get all the information. For example, the doctor may decide that something in the file could physically endanger the patient.
 - Copies must be given to the patient within 30 days. If the health information is not maintained or accessible on-site, it can take up to 60 days to meet the request.
 - It is free of charge, but the patient may have to pay for the cost of copying and mailing.
- Da. Pacientul are dreptul să inspecteze, să revizuiască și să primească o copie a propriului dosar medical care este deținut de furnizorii de asistență medicală.
 - În câteva cazuri speciale, este posibil ca pacientul să nu poată obține toate informațiile. De exemplu, medicul poate decide că ceva din dosar ar putea periclita fizic pacientul.
 - Copiile trebuie trimise pacientului în termen de 30 de zile. Dacă informațiile despre sănătate nu sunt păstrate sau accesibile la fața locului, poate dura până la 60 de zile pentru a răspunde solicitării.
 - Este gratuit, dar pacientul poate fi nevoit să plătească pentru costul copierii și expedierii.

Does the patient have the right to know when the healthcare provider has shared their health information with people out of the health institution?

Are pacientul dreptul de a ști când furnizorul de servicii medicale a permis accesul la informațiile lor de sănătate oamenilor din afara instituției de sănătate?

- **Yes.** The patient has the right to know when the healthcare provider has shared the patient's health information with another person or organization. There are some major exceptions to this right.
- **Da.** Pacientul are dreptul să știe când furnizorul de asistență medicală a distribuit informațiile despre sănătate ale pacientului unei alte persoane sau organizații. Există câteva excepții majore la acest drept.

Can the patient ask to correct the information in their own health records?

Poate pacientul să solicite corectarea informațiilor în propriile lor dosare de sănătate?

- **Yes.** The patient can ask the healthcare provider to correct the health record by adding information to it to make it more accurate or complete. In most cases, the patient's medical record should be changed within 60 days.
- **Da.** Pacientul poate solicita furnizorului de asistență medicală să corecteze dosarul medical prin adăugarea de informații pentru a-l face mai exact sau mai complet. În cele mai multe cazuri, dosarul medical ar trebui să fie schimbat în termen de 60 de zile.

Does the patient have the right to file a complaint?

Are pacientul dreptul de a depune o plângere?

- **Yes.** If the patient believes that their own information was used or shared in a way that is not allowed under the Privacy Rule, or if the patient was not able to exercise their own health information rights, he/she can file a complaint against the healthcare provider.
- Da. Dacă pacientul consideră că propriile sale informații au fost folosite sau împărtășite într-un mod care nu este permis conform Regulii de confidențialitate sau dacă pacientul nu și-a putut exercita propriile drepturi de informare în domeniul sănătății, acesta poate depune o plângere împotriva furnizorului de asistență medicală .

Confidentiality (Definition)

- **Confidentiality** is the practice of keeping private information secret.
- Confidențialitatea este practica de a păstra secretul informațiilor private.

Confidentiality

- The duty of confidentiality includes a responsibility to make sure that the written patient's information is kept secure and secret. Confidential records should not be left where other people may have casual access to and information about patients should be sent under private and confidential cover.
- Confidentiality is not an absolute principle – there are several exceptions.
- Datoria de confidențialitate include responsabilitatea de a se asigura că informația scrisă a pacientului este păstrată în siguranță și secretă. Înregistrările confidențiale nu trebuie lăsate acolo unde alte persoane pot avea acces ocazional, iar informațiile despre pacienți trebuie trimise în mod privat și confidențial.
- Confidențialitatea nu este un principiu absolut - există câteva excepții.

Disclosure without a Patient's Consent

- The information can be disclosed without a patient's consent in two cases – if the disclosure is required by law or if the disclosure is in the public interest. This is the case when the patient has explicitly refused consent or is incapable of giving consent.
- Informațiile pot fi divulgate fără consimțământul unui pacient în două cazuri - în cazul în care divulgarea este impusă de lege sau în cazul în care dezvăluirea este în interesul public. Acesta este cazul când pacientul a refuzat în mod explicit acordul sau este incapabil să dea consimțământul.

Solicitors - Avocații

- Solicitors often ask for medical information, particularly those parts that are relevant to, for example, personal injury claims. They may ask for copies of certain documents, which could include details of the patient's medical history.
- According to court rules in Moldova, records should be disclosed in accordance with the patient's wishes or on the orders of a court.
- Avocații solicită adesea informații medicale, în special acele părți care sunt relevante, de exemplu, pentru revendicările de vătămare corporală. Aceștia pot solicita copii ale anumitor documente, care ar putea include detalii despre istoricul medical al pacientului.
- În conformitate cu regulile instanțelor din Moldova, dosarele ar trebui să fie dezvăluite în conformitate cu dorințele pacientului sau la ordinul unei instanțe.

Members of the Clinical Team

- Patient care is usually team-based and access to patient information is crucial for the patient's safety and continuity of care. Most patients are aware that information about them needs to be shared among the healthcare professionals.
- They should be informed of this and, if they ask for the information about them to be kept confidential, this should be respected. The only exception is if withholding information would place others at risk of death or serious harm.
- Îngrijirea pacienților este, de obicei, bazată pe echipă, iar accesul la informațiile despre pacient este esențial pentru siguranța pacientului și continuitatea îngrijirii. Majoritatea pacienților sunt conștienți de faptul că informațiile despre ei trebuie să fie împărtășite între profesioniștii din domeniul sănătății.
- Aceștia ar trebui să fie informați cu privire la acest lucru și, în cazul în care solicită păstrarea confidențialității informațiilor despre, acest lucru ar trebui respectat. Singura excepție este dacă reținerea informațiilor îi va pune pe ceilalți la risc de moarte sau vătămare gravă.

Publishing Case Reports, Photographs and Recordings

The patient's consent is also required before individual case histories, photographs or recordings are published in media that the public has access to, even if they have been anonymised.

For the following recordings permission is not required:

- Images of internal organs or structures;
- Images of pathology slides;
- Laparoscopic and endoscopic images;
- Recordings of organ functions;
- Ultrasound images;
- X-rays.

Consimțământul pacientului este, de asemenea, necesar înainte de a fi publicate cazuri individuale, fotografii sau înregistrări în mass-media la care publicul are acces, chiar dacă acestea au fost anonime.

Pentru următoarele înregistrări permisiunea nu este necesară:

- Imagini ale organelor sau structurilor interne;
- Imaginile diapozitivelor patologice;
- Imagini laparoscopice și endoscopice;
- Înregistrări ale funcțiilor organelor;
- Imagini cu ultrasunete;
- Imagini Raze X.

Relatives

- Discussing a patient's care with relatives can be problematic. In general, the information should be given to the patient, who can then pass it on to the family as he/ she sees adequate, but it would be extremely callous for a doctor to refuse to say anything to the concerned relatives. If the patient is conscious and able to make decisions, the simplest thing is to ask whether he/ she agrees that the doctor should talk to the relatives and, if so, how much the doctor may tell them.
- Discutarea îngrijirii unui pacient cu rudele poate fi problematică. În general, informațiile ar trebui să fie furnizate pacientului, care apoi le poate transmite familiei așa cum consideră adecvat, dar ar fi extrem de insensibil ca un medic să refuze să spună ceva rudelor în cauză. Dacă pacientul este conștient și capabil să ia decizii, cel mai simplu lucru este să întrebați dacă este de acord ca medicul să vorbească cu rudele și, dacă da, cât de mult le poate spune.

Relatives

- You should also share relevant personal information with anyone who is authorised to make decisions on behalf of the patient, or who is appointed to support and represent a mentally incapacitated patient.
- Ar trebui să împărtășiți, de asemenea, informații personale relevante cu orice persoană care este autorizată să ia decizii în numele pacientului, sau care este desemnată să sprijine și să reprezinte un pacient cu retard mintal.

The Police

In general, the police have no more right of access to confidential information than anybody else, except in the following circumstances:

- Under road traffic legislation where the police may require the name and address of someone suspected of traffic offences.
- The patient has given consent to the release of information.
- In compliance with a court order.
- The public interest in disclosing information outweighs the public interest in preserving patient's confidentiality.

În general, poliția nu are mai mult drept de acces la informații confidențiale decât oricine altcineva, cu excepția următoarelor circumstanțe:

- În conformitate cu legislația privind traficul rutier, în care poliția poate solicita numele și adresa persoanei suspectate de infracțiuni rutiere.
- Pacientul și-a dat acordul pentru eliberarea informațiilor.
- În conformitate cu o hotărâre judecătorească.
- Interesul public în dezvăluirea informațiilor depășește interesul public pentru păstrarea confidențialității pacientului.