Patient Rights Legislation
Bell Work

Based on our lessons so far, consider the following two case scenarios and write down your explanations.

1. A surgeon is operating on a patient’s liver. While the operation is going on, the patient dies of a heart attack. The patient had a very advanced case of heart disease, but the surgeon was unaware of that problem. Do you think this is malpractice? Explain your answer.

2. A nurse’s aide working in a nursing home is caring for a woman who is 95 years old and in reasonably good health. While the aide is bathing the patient, the patient has a heart attack and dies. Do you think this is malpractice? Explain your answer.
2) Analyze specific laws and ethical issues that impact professional practice such as confidentiality, informed consent, and patient self-determination. Citing specific textual evidence to support analysis, debate these issues in an oral or written format.
Objectives

- Identify legislative acts impacting patient self-determination
- Debate ethical issues in small groups by evaluating multiple case scenarios
- Analyze the Patient’s Bill of Rights through an open response activity
Patient Rights Legislation

- Patient’s Bill of Rights
- Omnibus Budget Reconciliation Act (OBRA)
- Patient Self-Determination Act (PSDA)
- Health Insurance Portability and Accountability Act (HIPAA)
Patient Rights Legislation

Patient’s Bill of Rights

*Adopted by American Hospital Association

- Statement of **rights and responsibilities** that patients are entitled to while in the care of a physician or in the hospital
Patient Rights Legislation

The Patient’s Bill of Rights includes:

1. High quality hospital care
2. Patient involvement in care
3. Clean and safe environment
4. Protection of privacy
5. Continuity of care
6. Help with your bill and filing insurance claims

*Look in your books on page 101. What are keys words or phrases that help explain each of these aspects? Write them down.
Patient Rights Legislation

These *rights* include...

- 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

- Patient’s also have *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

Omnibus Budget Reconciliation Act (1987)

- Regulates long term care and home health
- *(AKA nursing homes)*
- Requires nurse aide training/certification for nursing and geriatric assistants
- Limits use of restraints
- Be informed of treatments, and refuse if desired
- Privacy
- Choice of doctors and care
- Includes the “Resident’s Bill of Rights”
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 institutions must inform a patient about advanced directives at the time of admission
- Patient has right to accept or refuse treatment
- Healthcare agency must provide education for staff
- **Even without a written change, a patient’s wishes stated directly to doctor override advanced directives.**
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 and deaths
- Abuse related injuries
- Communicable diseases
- Sexually transmitted diseases
- (essentially harm to self or others)
Patient Rights Legislation

- Patient’s Bill of Rights
- Omnibus Budget Reconciliation Act
- Patient Self-Determination Act
- Health Insurance Portability and Accountability Act (HIPAA)
Group Activity

- Go to the class website and click on the link concerning ethical dilemma case studies. Read through each scenario and discuss your opinions within your small group. You have already completed the first 2.
Exit Ticket

- Explain the difference between OBRA and the Patient Self-Determination Act.