

# Draft Charter of Patients' Rights released

Emergency medical care, alternative treatment options, and freedom to seek second opinion figure in it

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If the draft Charter of Patients' Rights released by the Union Ministry of Health and Family Welfare comes into force, patients will not just have the right to emergency medical care and informed consent, but will also have the rights to non-discrimination, seek a second opinion, and choose alternative treatment options, if available.

The draft, prepared by the National Human Rights Commission (NHRC), was put up on the Health Ministry's website on August 30, inviting comments and suggestions. According to a notice issued by Joint Secretary Sudhir Kumar, the ministry plans to implement the charter through State governments for provision of proper healthcare by clinical establishments.

According to the recommendation of the National Council of Clinical Establishments, a statutory body under the Clinical Establishments Act, comments or suggestions on the draft may be forwarded to Anil Kumar, Additional Deputy Director General, Directorate General of Health Services, Ministry of Health and Family Welfare, Room No. 560-A, Nirman Bhawan, New Del-



**Treading carefully:** At present, many patients seek a second opinion discreetly as they fear it might adversely influence the quality of care provided by the treating hospital. \*FILE PHOTO

**This charter is expected to act as a guidance document... to formulate concrete mechanisms so that patients' rights are given protection**

ABHAY SHUKLA  
National convener, Jan Swasthya Abhiyan

hi-110108, or by email to help.ceact2010@nic.in, before September 30.

Abhay Shukla, one of the national conveners of the people's health movement Jan Swasthya Abhiyan, was involved with the NHRC in drafting the document as a member of its core group on health. He said there was a

need for a consolidated and comprehensive document on patients' rights in India. "Although some States have adopted the national Clinical Establishments Act, 2010 and certain others have enacted their own State-level legislation to regulate hospitals, there is no consolidated document on patients' rights that can be followed by all States uniformly," he said.

The draft charter, which includes 17 rights with descriptions, draws upon all relevant provisions, inspired by international charters and guided by national-level provisions. "This charter is expected to act as a guidance document for the Union go-

## One draft, many rights

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| • Right to information  | • Right to choose source for obtaining medicines or tests                         |
| • Right to records and reports  | • Right to proper referral and transfer, free from perverse commercial influences |
| • Right to emergency medical care   | • Right to protection of patients involved in clinical trials                     |
| • Right to informed consent   | • Right to protection of participants involved in biomedical and health research  |
| • Right to confidentiality, human dignity and privacy                                       | • Right to take discharge of patient or receive body of deceased from hospital    |
| • Right to second opinion   | • Right to patient education  |
| • Right to transparency in rates, and care according to prescribed rates, wherever relevant | • Right to be heard and seek redressal  |
| • Right to non-discrimination   |   |
| • Right to safety and quality care according to set standards                               |   |
| • Right to choose alternative treatment options, if available                               |   |

vernment and the State governments to formulate concrete mechanisms so that patients' rights are given adequate protection and operational mechanisms are set up to make these rights enforceable by law. The onus is now on the States to follow it effectively," Dr. Shukla said.

Sylvia Karpagam, a public health doctor and researcher, pointed out that the controversial Karnataka Private Medical Establishments Act that had initially included various rights for patients was watered down subsequently. "Right to non-discrimination is an important right. Every patient has the right to receive treatment without any

discrimination based on his or her illnesses or conditions, including HIV status or other health condition, religion, caste, ethnicity, or sexual orientation," she said.

Quoting the charter, she said: "Now, the hospital management has a duty to ensure that no form of discriminatory behaviour or treatment takes place with any person under the hospital's care."

## Major rights

At present, many patients seek a second opinion discreetly as they fear it might adversely influence the quality of care provided by the treating hospital. However,

according to the draft document, every patient has the right to seek a second opinion from a doctor of his or her choice. The hospital management has to respect this right and should provide to the caregiver(s) all the records and information required for seeking a second opinion without any extra cost or delay. Any kind of discrimination on this front will be deemed as a human rights violation.

According to the Supreme Court, all hospitals, both in the government and in the private sector, are duty-bound to provide basic emergency medical care to injured persons. Such care must be initiated without demanding payment or advance, and it should be provided irrespective of the patient's paying capacity. However, this right is violated most of the time by hospitals.

In the wake of several complaints that some hospitals detain patients who want to get discharged, following dispute over payment, the charter has made it clear that it is the duty of the hospital to not wrongfully confine any patient, or dead body of a patient, treated in the hospital under any circumstance.