

Canadian provinces need to adopt a patient charter of rights

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Canadian provinces should adopt a patient charter of rights with independent enforcement as part of the move to patient-centred care, argues an analysis article in *CMAJ (Canadian Medical Association Journal)*.

A properly designed patient charter of rights can help patients resolve concerns and complaints easily and cost-effectively, through an independent ombudsman or commissioner. An effective patient charter contains clearly articulated patient rights — many of which are already provided in law but scattered in different places — such as patients' rights to access their health records, to privacy and to informed consent.

Many countries such as New Zealand, Norway, Finland, England, Israel have patient charters. Quebec is the only jurisdiction in Canada with a charter. Alberta has recently enacted one, but it lacks the critical feature of independent enforcement.

Health professionals may have concerns that patient charters will increase lawsuits or disciplinary actions, but evidence shows that "patient charters with dedicated complaints processes enable matters to be resolved at an early stage by informal means, averting the need for litigation or formal disciplinary proceedings," write Colleen Flood and Kathryn May, Faculty of Law, University of Toronto. In New Zealand, for example, formal disciplinary actions against providers have plummeted because a patient commissioner mediates patient complaints.

An independent health ombudsman can help spur overall improvement in the system by issuing recommendations or reports on system problems. Overseas experience suggests that despite having no formal powers to implement change such recommendations can nonetheless be a powerful force for change.

"A patient charter of rights should achieve greater clarity and awareness of the nature and extent of patients' rights; if well-designed, it should also help drive improvements in the quality and timeliness of care, improve the overall accountability of members of the health care system and reduce costly litigation," the authors conclude. "However, experience shows that it is easy for a patient charter to be a toothless tiger — that is, a mechanism to merely talk about improving the patient experience and reforming the health care system."

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