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## Patient and carer rights in hospital

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### Summary

- You have the right to make informed decisions about your healthcare.
  - You have the right to seek a second opinion from another doctor.
  - Your doctor must fully explain your medical issue and treatment options so that when you make a treatment decision, you can give your 'informed consent'.
  - You can ask for support and help from a family member or friend.
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As a patient in hospital, you have the right to receive high-quality and safe care. You and your carers should expect clear communication about medical issues and treatment options in a way that you can understand.

Your rights are protected by the **Australian Charter of Healthcare Rights**, but it is your responsibility to fully understand your options before consenting to treatment. You always have the option to seek a second opinion and to have the support of a family member or friend.

### Patient rights in hospital

The Australian Charter of Healthcare Rights guarantees you:

- Access – everyone has the right to access healthcare.
- Safety – it is your right to get high-quality healthcare in a safe environment.
- Respect – you should be treated with respect and dignity, and your medical wishes should be considered.
- Communication – your medical team must inform you about your treatment options, services and costs in a way that you can understand.
- Participation – it is your right to be involved in decisions and choices about your health.
- Privacy – your healthcare team must keep your personal information private and confidential.
- Comment – you have the right to comment on any issues you feel you have with your healthcare, and your healthcare team must address those concerns.

You have clear rights when it comes to making decisions about your healthcare. Your medical team can help guide you through your options for treatment and care.

### Developing health plans with your medical team

You have the right to work with your medical team to develop a health plan that best meets your healthcare needs. This may include treatment plans you consent to, after discussion and on the advice of your medical team.

### When to seek a second opinion

If you are unhappy with the treatment or diagnosis you received in hospital, you can get a second opinion from another doctor. You may wish to tell your current doctor that you intend to get a second opinion so they can share your medical history and test results with the second doctor, which will save you time and possibly prevent more tests.

### Informed consent for treatment

Your doctor has a legal obligation to tell you about your medical issue and clearly explain your treatment options in a way that you can understand. Once this is done and you understand what is happening, with the possible risks and side effects, you can give informed consent for that treatment.

If your doctor does not explain your medical issue or treatment options, you will not be able to make a fully informed choice and you will not be able to give your valid consent.

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In some cases, it may not be possible to get your informed consent, such as emergency situations where you are unconscious. In this case, your medical team will make a decision for you by either following any of your known wishes (perhaps from a previous visit) or using best health practices. At this time, unpaid carers such as family members or friends may also make treatment decision for you in line with your wishes.

### **Rights when communicating with medical staff**

You have rights when talking with medical staff. For example, you can choose to not have medical students observe your examinations or to treat you.

Many of your rights involve talking with your medical team to make decisions. If you feel you need help in understanding your medical problem or making decisions, the doctors and nurses can help make the information clearer and easier for you to understand. You may also like to ask a family member or friend to help explain things, give you support and help you make a decision about your treatment.

In public healthcare services, you have a right to an interpreter to help you communicate your needs. Interpreters should be provided at important moments during your care, such as when discussing medical history, treatments, test results, health conditions, during admission and assessment, and when you need to give informed consent.

Your medical team should communicate with you regularly to let you know about your progress and to discuss your options and ongoing decisions.

When talking with your medical team and trying to make a decision about your healthcare, three important you can ask are:

- What are my options?
- What are the possible benefits and complications of those options?
- How likely are the benefits and complications of each option to occur?

### **Carer rights**

Carers can be either an unpaid carer (such as partner, family or friends) or a paid carer hired to look after a person.

Paid carers cannot make treatment choices for their patients, but unpaid carers can, as long as they are in line with the person's wishes. If you are an unpaid carer in search of extra support, **Carers Victoria** is an organisation that offers information, support and online and in-person training courses.

### **Feedback about healthcare treatment**

If you feel that any of your rights have been ignored during treatment, you can give **feedback or make a complaint**.

You should first discuss your complaint directly with the healthcare professional involved. If you need further support, you can make a complaint to the hospital via the patient liaison officer or healthcare organisation, or escalate it to the **Health Complaints Commissioner**.

### **Where to get help**

- Your doctor (GP)
- Patient liaison officer

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