Praca Oryginalna Zdr Publ 2013;123(1): 7-10 Original Article

SANDRA KRYSKA[1], ANNA REJ[1], STANISŁAW HORÁK[2]

Wiedza pacjentów z Górnego Śląska na temat praw pacjenta

Streszczenie

Wstęp. Prawa pacjenta to uprawnienia przysługujące w równym stopniu każdemu człowiekowi z tytułu korzystania ze świadczeń zdrowotnych. Dlatego też każdy pacjent powinien znać swoje prawa i umieć z nich korzystać. W polskim prawie najważniejszym dokumentem odnoszącym się do problematyki praw pacjenta jest ustawa z dnia 6 listopada 2008 r. o prawach pacjenta i Rzeczniku Praw Pacjenta. W ustawie tej znalazły się zapisy odnoszące się tak do praw przysługujących pacjentom, jak również zapisy odnoszące się do sposobów dochodzenia swoich praw w przypadku wystąpienia zdarzenia medycznego.

Cel. Celem pracy było zbadanie stopnia uświadomienia i znajomości praw pacjenta wśród osób korzystających ze świadczeń w wybranych zakładach opieki zdrowotnej na terenie Górnego Śląska.

Materiał i metody. Badania przeprowadzono w okresie od września 2011 do stycznia 2012 roku na grupie 1000 pacjentów w wybranych zakładach opieki zdrowotnej na terenie Śląska. W badaniu wykorzystano autorski kwestionariusz ankiety wypełniony anonimowo przez każdego pacjenta.

Wyniki. Na podstawie analizy kwestionariuszy stwierdzono, że pacjenci wiedzą o istnieniu praw, które ich chronią. Zdecydowana większość z nich nie potrafi jednak wymienić przysługujących im praw oraz nie potrafią konkretnie wskazać ich zastosowania.

Wnioski. Poziom uświadomienia praw pacjenta w badanej populacji nie różni się w znaczący sposób od poziomu uświadomienia respondentów biorących udział w innych badaniach. Świadomość i znajomość tych praw wśród pacjentów jest niepełna, niewystarczająca i zależy m.in. od: płci, wieku i wykształcenia. Z przedstawionych danych wynika, że należy nadal informować pacjentów o prawach, które im przysługują.

Słowa kluczowe: prawa pacjenta, stopień uświadomienia, zakłady opieki zdrowotnej.

Knowledge of the inhabitants of Upper Silesia patients' rights

Abstract

Introduction. Patients' rights are the rights available equally to everyone for the use of health services. Therefore, every patient should know their rights and know how to use them. In Polish law, the most important document relating to issues of patient rights is the Act of 6 November 2008 on the Patient's Rights and the Patients Ombudsman. This Act includes provisions relating to the rights of such patients as well as records relating to ways to assert their rights in the event of a medical event.

Aim. The aim of this study was to investigate the level of awareness and knowledge of patients' rights among persons enjoying the benefits of selected health care facilities in Upper Silesia.

Material and methods. The study was conducted from September 2011 to January 2012 in a group of 1000 patients in selected health care facilities in Silesia. The study authors used a questionnaire completed anonymously by each patient.

Results. Based on the analysis of the questionnaires, it was found that patients know about the existence of laws that protect them. The vast majority of them, however, cannot specify their rights and they cannot specifically indicate their use.

Conclusions. The level of awareness of patients' rights in the study population did not differ significantly from the level of awareness of the respondents participating in other studies. Awareness and knowledge of these rights of patients is incomplete, insufficient and depends, among others by: gender, age and education. The presented data suggests that patients should still know the rights to which they are entitled.

Keywords: patient's rights, the degree of awareness, health care.

---

[1] Medical University of Silesia in Katowice, Faculty of Medicine and Division of Medicine and Dentistry in Zabrze, Poland
[2] Department and Clinic of Gynecology, Obstetrics and Gynecology Oncology in Bytom, Medical University of Silesia, Poland

INTRODUCTION

Health is one of the main determinants of quality of life and significantly determines the functioning of society. The right to health and the protection is one of the fundamental human rights [1].

Nowadays, there are more and more discussions about patients' rights. The issue of patients' rights has become so important that in the second half of the twentieth century both Polish and European institutions involved in health care are most interested in it. In Poland, the patient's rights are included in a number of laws and acts. Among the most important of them there are the following: The Polish Constitution of 2 April 1997, The Law on Patients' Rights and Patients Ombudsman, The Law on therapeutic activities, The Medical Profession Act, The Law on the profession of nursing and midwifery, The Law on the collection and transplantation of cells , tissues and organs that influence mental health [2-4].

An important date relating to issue of patients' rights was November 6, 2008, the day when The Law on Patients' Rights and the Patients Ombudsman were presented. This law, though published in November 2008 only came into force on 5 June 2009 [5].

The validity of this law lies in the fact that by November 2008, the patient's rights had been scattered in several fragments of legislation. Very often, they also resulted from the provisions imposing obligations on various entities involved in the provision of health services. For this reason, the patient's rights were not generally known by the patients. In addition, many patients did not understand their rights [5].

This Act also presents definitions of patients' rights. According to the law, patients have equal rights for the use of health services. Therefore, every patient should know their rights and know how to use them.

In the Act of 6 November 2008 on the Rights of the patient and the Patient Ombudsman, there are found, inter alia, the right of the patient to health services, complete information about their health, personal privacy in treatment and care, consent to medical services, privacy and dignity, access to medical records, refusal to treatment to the extent permitted by law and be informed of the medical consequences of such a refusal [5].

On May 18, 2011, President Bronislaw Komorowski signed the Act of 28 April 2011 amending, among other Acts on Patients' Rights and the Patients Ombudsman. The result of this amendment was to add a new section 13a of the Act – Rules and procedures for determining damages for medical events. The amended Act came into force on 1 January 2012. Since that day the Regional Affairs Commission began its work on Medical Events. Amendments to the Act, allow for an investigation to patients faster and without expensive compensation proceedings. The committee is to rule on the commission about errors made by doctors, other medical staff, medical team, or the lack of it. Owing to the amended law on patients' rights, they have the opportunity not only to learn about their rights, but also more efficient enforcement. However, the Act of 6 November 2008 on the rights of the patient and the Patients Ombudsman is not the only a document where the rights of a beneficiary of medical services are stored.

In recent years, the work has been carried out and a thorough analysis of both Polish and European documents relating to, inter alia, the rights of the patient. The result of this work was to create a patient chart. Currently in Polish law, there are two charters of patient rights: the European Charter of Patients 'Rights and the Charter of Patients' Rights developed by the Ministry of Health.

The basis for the creation of the European Charter of Patients' Rights was Art. 35 of the Charter of Fundamental Rights of the European Union, saying "everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices". The definition and implementation of all Union policies and activities provide a high level of protection of human health [6].

The most important message of the European Charter of Patients' Rights is to ensure a high level of human health protection. In addition, the provisions of the European Charter of Patients' Rights ensure high quality services to all treated in health care facilities [7].

Among the rights included in European Charter of Patients' Rights, there are such rights as: the right to prevention, access to health care, to information, to informed consent, free choice, privacy and confidentiality, to respect the patients' time, to comply with the quality standards, to safety, to innovation, to avoid unnecessary suffering and pain, to tailor treatment to the complaints and compensation [7].

Patient's Bill of Rights developed by the Polish Ministry of Health is divided into two parts. The first part applies to all patients seeking health care services covered by health insurance, patients using health care services with the private health insurance, and patients using health care services with other type of insurance.

The first part includes 28 patients' rights, which are based on the construction of various types of laws and legislation relating to a wide range of health [8].

The most important rights contained in the Charter of Patients 'Rights, are the records concerning patients' rights to health care, health care services at the highest possible level, to immediate medical attention, intimacy, respect for human dignity, to die in peace and dignity, to information and giving consent to medical services, or the right to other health benefits, to express written consent for surgery, diagnostic procedures and other examinations, discharge from the hospital at his/her own request, access to their own medical records and protection of the data it contains, to make a complaint to the medical staff [7,8].

It should also be noted that the Charter of the patient can also be created by various institutions and health care providers based on the above charter of patient rights, and relating to the specificity of a particular institution. An example of such a chart is a chart of patients' rights created by the Silesian Center for Heart Diseases. In this chart, in addition to other important information relating to patients' rights there are listed seven main rights enjoyed by all patients. These rights include the right to dignity, to information, to have access to their own records, to health care services at the highest possible level of innovation, the possibility of having family during the examinations and contact with friends, to the spiritual care and dying in dignity [9].

Patients' rights are an integral part of the rights of every human being. Knowledge of these laws is especially important in contact with health services. They provide patient protection against malicious threats, but can also result in a more effective co-operation of the patient with the medical staff. It should, however, be considered whether patients are aware of their rights and are able to use them.

AIM

The aim of this study was to investigate the degree of awareness and knowledge of patients' rights among persons enjoying the benefits of selected health care facilities in Upper Silesia.

MATERIAL AND METHODS

Research in selected health care facilities was carried out from 01.09.2011 to 31.01.2012. The study involved 1000 respondents who were the subjects of independent public health care, private health care centers and hospitals located in Upper Silesia.

Criteria for inclusion in the study assumed that the respondents must permanently reside in Silesia, be patients of one of the health care institutions involved in the study, and at the moment of conducting research be over 18 years old. However, exclusion criteria assumed that patients who at the time of conducting the study had not completed 18 years of age or were of unsound mind, were not eligible to participate in the study.

The tool used to conduct this study was the original questionnaire completed by respondents anonymously. The questionnaire consisted of two parts. The first part included questions about age, gender and level of education of the respondents. The second part included questions about knowledge and the Charter of Patients' Rights. The results, which were obtained when testing, were coded, and then subjected to analysis.

RESULTS

In the study population, the women were in majority (77.7%), while 22.3% were men. By analyzing the age of the population, it can be clearly stated that the largest part included people in the age group above 50 years of age (68.9%). The second age group comprised patients between 30 and 49 years of age (22.1%). The smallest group of patients with respect to the patients' age included respondents between 18 and 29 years of age (9%).

Taking into account the distribution of respondents according to their level of education the largest group included patients with secondary education (53.8%). The second group of patients was respondents who hold a university degree (20.4%). Another group of respondents was that having a vocational education (16.2%), while a group of people with primary education accounted for 9.6%. The education level of the respondents is shown in Figure 1.

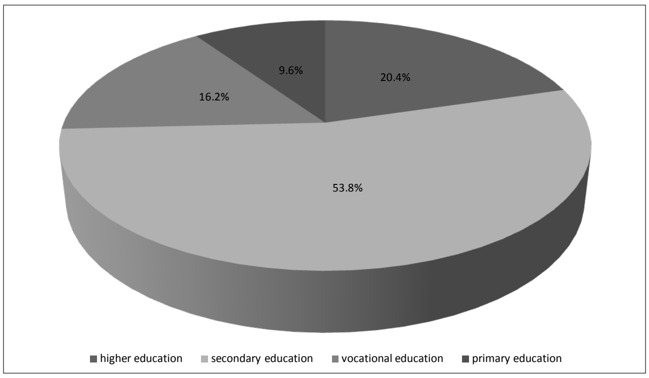

FIGURE 1. Level of education of respondents.

The presented research shows that the vast majority of patients are aware of the existence of the Charter of Patients' Rights (87.3%). Only a small percentage of respondents (12.7%) had not heard until the audit of the Charter of Patients' Rights.

A large percentage of the population declared knowledge of patients' rights at a good level (64.2%). Partial knowledge of patients' rights was declared by 15.1% of respondents. However, the lack of knowledge of the rights of the patient was admitted by 20.7% of respondents. Knowledge of patients' rights by the respondents is presented in Figure 2.

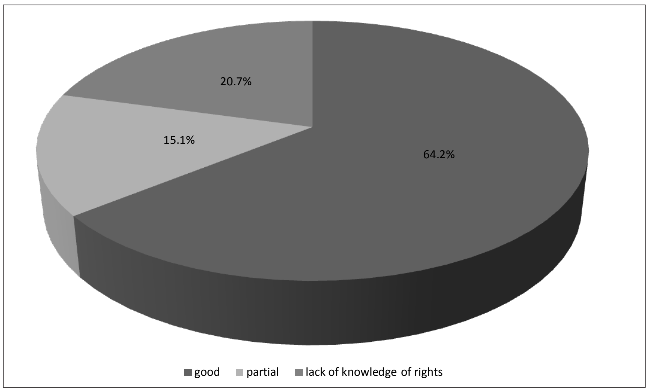

FIGURE 2. Subjective knowledge of patients' rights declared by the respondents.

To verify the knowledge of a subjective assessment of patients' rights, the respondents were asked to mention their rights (Table 1). It turned out that only 7.6% of respondents had a good understanding of patients' rights. Partial knowledge of patients' rights was confirmed by 60.1% of the respondents. However, 32.3% of respondents were not aware of their rights. Among the most frequently mentioned by patients, rights were the rights to immediate assistance, information, privacy and dignity.

TABLE 1. Summary of subjective and actual knowledge of the respondents of their rights.

Knowledge of patients' rights	Good	Partial	Lack of knowledge of rights
Subjective, declared by the respondents	64.2%	15.1%	20.7%
The actual resulting from research	7.6%	60.1%	32.3%

After such verification of the subjective and the actual level of knowledge of the patient's rights by the respondents there was also identified a group of subjects characterized by the highest level of knowledge in this area. The results obtained are presented in Table 2.

TABLE 2. Actual knowledge of patients' rights by the respondents.

	Women			Men		
	18-29 years	30-49 years	+ 50 years	18-29 years	30-49 years	+ 50 years
Primary education	0	2	1	0	1	0
Vocational education	1	2	1	1	1	0
Secondary education	2	3	2	1	2	0
Higher education	4	32	3	4	10	3

Table 2 provides that women have more actual knowledge about patients' rights than men do. In addition, people with higher education are also characterized by a higher level of knowledge about patients' rights.

CONCLUSIONS

The study clearly shows that the level of knowledge and awareness of patients of their rights are not satisfactory. Only a small percentage of all respondents participating in the survey are fully aware of what rights they are entitled to. Very similar results were obtained in the study of awareness on patients' rights in Poland. This study was conducted in February and March 2008 on behalf of the Institute for Patient Rights and Health Education [9]. According to the results of this study, only half of the respondents are aware of the rights of the patient, while only 19% of respondents know their rights. It should be noted that this study, like the study presented in this paper was carried out at almost the same number of population (n=1004).

The vast majority of respondents are aware of the patient rights. Unfortunately, only a small number of patients know their rights. The greatest knowledge of the patient's rights is confirmed by women with higher education and between 30 and 49 years of age. The least knowledge of the patient's rights is characteristic for men over 50 years of age with vocational and basic education.

REFERENCES

1. Konstytucja Rzeczpospolitej Polskiej z dnia 2 kwietnia 1997 r. (Dz. U. Nr 78, poz. 483, z późn. zm.).
2. Nestorowicz M. Prawo medyczne. Prawa pacjenta i obowiązki lekarza. Odpowiedzialność cywilna lekarza. Akty prawne. Toruń: TNOiK „Dom Organizatora"; 1998.
3. Ostrowska A. Prawa pacjenta. Antidotum. 1996;6-8:86-90.
4. Safjan D. Prawa pacjenta (raport o stanie prawnym). Helsińska Fundacja Praw Człowieka. Warszawa: EXIT;1992.
5. Ustawa z dnia 6 listopada 2008 r. o prawach pacjenta i Rzeczniku Praw Pacjenta (Dz. U. z 2009 r. Nr 76 poz. 641).
6. Karta Praw Podstawowych Unii Europejskiej (2010/C 83/02) Dziennik Urzędowy Unii Europejskiej z dnia 30.03.2010 C83/389.
7. Wiedzieć więcej. Poradnik chorych na PKU i RD oraz ich rodzin i wolontariuszy. Warszawa; 2009.
8. Karta Praw Pacjenta. http://www.mz.gov.pl/wwwfiles/ma_struktura/docs/karta_praw_pacjenta_07082007.pdf
9. Karta Praw Pacjenta opracowana przez Śląskie Centrum Chorób Serca w Zabrzu.
10. Millward Brown SMG/KRC. Prawa pacjenta. Raport z badania Capibus. Przygotowane dla Instytutu Praw Pacjenta i Edukacji Zdrowotnej w dniach 28 lutego – 4 marca 2008. Warszawa; 2008.

Informacje o Autorach

Mgr Sandra Kryska – doktorantka; mgr Anna Rej – doktorantka, Wydział Lekarski z Oddziałem Lekarsko-Dentystycznym, Śląski Uniwersytet Medyczny w Katowicach; dr hab. n. med. Stanisław Horák – adiunkt, Katedra i Oddział Kliniczny Ginekologii, Położnictwa i Ginekologii Onkologicznej, Śląski Uniwersytet Medyczny w Katowicach.

Adres do korespondencji

Sandra Kryska
ul. Mazurska 33/7, 41-907 Bytom
tel. 608 488 185
E-mail: sandrakryska@vp.pl