Charter of Rights and Responsibilities

حقوق اورژنت داریون کا منشور
حقوقی یہ فرضیں جو پذیرنامو

For Healthcare Service Providers/

/برائے مع لسیون اور طبی بیماری

صحت چی سارسنیال جون خدمتین فراہم کنندے ہیں

(Draft for Stakeholders consultation)

(سندھ برائے مشترکہ منادی کنے دیے فردیتین)

(استنبیک هولدرز سان صلاح مصلحت لئے مسودہ)
ACRONYMS

SHCC  Sindh Healthcare Commission
PMDC  Pakistan Medical & Dental Council
HCSP  Healthcare Service Provider
HCE   Healthcare Establishment
DEFINITIONS


(a) Wholly or partly used for providing healthcare services; and
(b) Declared by the Government, by an order published in the official Gazette, as a healthcare establishment;

Healthcare Services: means services provided for diagnosis, treatment or care of persons suffering from any physical or mental disease, injury or disability including procedures that are similar to forms of medical, dental or surgical care but are not provided in connection with a medical condition and includes any other service notified by Government.

Healthcare Service Provider: means an owner, manager or in-charge of a healthcare establishment and includes a person registered by the Pakistan Medical Dental Council, National Council for Tibb and Homeopathy or Nursing Council, pharmacy service provider.

وصفون

صحة جي سارسناليال كيندنز اداری: ان جو مطلب آهی با استنال. جکسس مرضری طب علی، طب علیکیه، نرسنگ هور، ویبر گین، دندن جر، طب علیکیه، هرمپنیتکس طب علیکیه، طب علیکیه، حجاج طب علیکیه، اکرینیج، فیزیولوژی طب علیکیه. فارمیسی یا بیهو بی علاج جر سرتو او (الف) اه مکمل یا دنی جد نتائین صحت جي سارسنال بابت خدمت جی فراهم، لئی استعمال تیندو هجی: یہ (ب) جنینی حکومت سرداری گزین یا حکومت نامي درمی صحت جي سارسنال کیندنز اداری گزین دنی جی.

صحة جي سارسنال جون خدمتوني: ان جو مطلب آهی اهزا مانثور جیکی طب جکسس. علاج ای یا اهزا مانثور جیکی طبی با ندینی سپاری. جو شکر کی حنیقا مءور. جنون یا سارسنال بهدل طبی. دنیی جو سرجمین سارسنال پر طبی حالتن جی جعو ایه مانثور یبند کیندنیا جین یا بیون یگی اهزا مانثور جون بیت سرداری حکومت یا۔

صحة جي سارسنال جون خدمتوني فراہم

کیندنز: ان جو مطلب آهی اهزا مانثور جیکی صحت جي سارسنال کیندنز اداری گزین دنی جی. مستینی بر انجاره جنون ان بر ای یب بچی وج گن یا جیکی باضان میبینکل ایند بینک

جائین. نیشنل خانہسی فار طب ای یا هرمپنیتکس یا نرسنگ طاویسول وت رجسترد یجی. فارمیسی یا خدمتئی فراہم کیندنز یجین. یجین.
EXECUTIVE SUMMARY

Sindh Healthcare Commission (SHCC) has developed this charter to ensure the rights of Healthcare Service Providers (HCSP). This charter is essential to make sure that whatever, and whenever care is provided it is of high quality and is safe. The HCSP Charter will be reviewed annually or on a need basis, as deemed appropriate by SHCC, in view of its experiences, through a consultative process involving patients, healthcare service providers, healthcare establishments, related professionals, staff and other stakeholder groups.

These rights and responsibilities are intended to be used as a tool that healthcare service providers refer to, and for them to know what their rights and responsibilities are while functioning in the provision of healthcare services in Sindh. It also focuses on a Patient Centered approach and promotes participation by patients and HCSPs as well as HCEs. It also empowers healthcare establishments to feel secure and safe in performing their function and to provide quality healthcare services in Sindh with protection of property, without fear of harassment/violence.
Rights are legal, social, ethical principles of freedom or entitlement, which are the fundamental normative rules about what is allowed to people or owed to people, according to the legal system. "Health for All" is a primary goal of the Government of Sindh and to regulate healthcare it has established the Sindh Healthcare Commission (SHCC). The SHCC will strive to make provision for: Improvement, Access, Equity, and Quality of healthcare services; to ban quackery in all its forms, and provision of ancillary matters. The prime organization registering doctors and dentists is Pakistan Medical & Dental Council (PMDC), PMDC, along with other regulatory authorities, have defined the patients, service providers, healthcare establishments' rights in their code of ethics. These rights and responsibilities are essential to make sure that quality healthcare is provided.

GUIDING PRINCIPLES

There are three guiding principles which describes how this Charter of Healthcare Service Providers’ (HCSPs) rights and responsibilities applies in the healthcare delivery system in Sindh.

1. Everyone has the right to be able to access and care in healthcare right and this is essential for the Charter to be meaningful.

2. The Sindh Government is committed to international agreements like the Sustainable Development Goals (SDGs) etc. about human rights which recognize everyone’s right to have the highest possible standard of physical and mental health.

3. Sindh consists of people from different cultures and way of life, and the Charter acknowledges and respects these differences.

RIGHTS OF HEALTHCARE PROVIDER (HCSP)

1. ACCESS

A. Rights:

Every healthcare service provider has equal right to access healthcare services, equal benefit to law; with no discrimination.
B. Responsibilities:

Healthcare service provider’s responsibilities are:

- Not to unreasonably refuse a patient’s access to healthcare, especially where there are no public health facilities available.
- Healthcare providers may not refuse emergency treatment to patients. Healthcare providers have a responsibility to assist in realizing the right of access to healthcare, which may include issuing prescriptions and ensuring access to the prescribed treatment.
- To treat all patients equally and provide them with the same level of concern irrespective of age, color, disability or illness, gender, marriage, maternity, religion or belief, nationality, politics or social status.
- Although a healthcare service provider has the right to choose his/her patients, such choices may never amount to unfair discrimination and emergency treatment may never be refused.
- Healthcare providers have the duty not to harass patients, colleagues or others on the basis of sex, gender, sexual orientation, race or any group characteristic.

- Have right to equal treatment and equal benefit of the law in all applications by and in dealings with the Government, private sector and others.
- Not to be unfairly discriminated against by any patient, medical scheme, medical faculty or school, governmental, employer or any other person or institution on the basis of their race, religion, belief, gender, origin or on any other ground.
- Freedom of religion, belief and opinion. HCSPs have the right to reasonable work space as per their religious beliefs, short of undue hardship to others.
- Access to housing, especially where healthcare providers are fulfilling training requirements, community service, or contributing to alleviating the plight in rural areas.

- Responsibility:

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  - Access to housing, especially where healthcare providers are fulfilling training requirements, community service, or contributing to alleviating the plight in rural areas.
• To respect the religion, beliefs and opinions of their patients, even if it differs from their own, and not to force any patient or colleague to prescribe to any religious practice, belief or opinion.

• Healthcare providers have the responsibility to respect the clinical independence of their colleagues and not to succumb to pressures of dual loyalty.

• To take care of official residence (if) provided to them, and not to refuse housing (to let or sell) to any person based on a prohibited ground of discrimination.

2. SAFETY & PROTECTION

A. Rights:

Healthcare service provider (HCSPs) have equal right to life, safety and freedom.

• HCSPs have the right not to be placed in disproportionately life-threatening situations.

• HCSPs have the right not to be harassed by any patient, other HCSP/ co-worker or management/employer.

• Have the right to physical autonomy and the right to be free from violence.

• Have the right to a safe environment, especially where harmful medical equipment, medicines or devices are used. There should be appropriate systems in place for medico-legal work, such as cases of rape, domestic violence, abuse, assault, drunken driving, etc.

• Right to social security, including aspects such as social health insurance: this includes access to insurance and social assistance. Social security institutions have to remunerate healthcare providers fairly and timely.

• HCSPs have the right not to be placed in situations of unability to respect the clinical independence of their colleagues.

• HCSPs have the right to a safe environment.

• HCSPs have the right to be free from violence.

• HCSPs have the right to physical autonomy and the right to be free from violence.

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• HCSPs have the right to be free from discrimination.
B. Responsibilities:

Healthcare service providers’ responsibilities are:

- To protect life, within the confines of a patient’s right to physical autonomy and decision-making power.
- To ensure that patients are not subjected to cruel, inhuman or degrading punishment or treatment and to report instances where such occur, especially within the spheres of prison, detention, etc., as well as abuse of children and the elderly.
- To ensure that medical waste is disposed of appropriately and safely, and that appropriate protocols are followed in terms of infectious disease control.
- To inform their patients of the harmful effects of medicines and how to store and use it properly.
- To adopt practices with good and rational practices for prescribed drugs.
- To ensure that medical reports are fair and accurate, and that only particulars that are authorized by law are disclosed to insurance and assurance agencies.

3. RESPECT AND DIGNITY

Healthcare service providers (HCPs) have the right to be shown respect, dignity and consideration.

A. Rights:

Right to be treated by patients, carers, other HCPs/co-workers and employers, with dignity and respect.

- Have the right to not face violent or aggressive behavior by patients, their carers, other HCPs/co-workers and employers.
- To work in an environment that is not hostile in terms of sex, gender, sexual orientation or (presumed) race or ethnicity.
- Healthcare providers have the right to post-exposure prophylactics in cases of occupational exposure.
- To be paid a fair remuneration for services rendered and not to have any unlawful interference with these and other property rights.
B. Responsibilities:

Healthcare service providers' responsibilities are:

- To demonstrate dignity, patience, empathy, tolerance and courtesy while dealing with patients and co-workers.

- To treat patients and co-workers with respect and dignity, irrespective of age, disability, gender, marriage, pregnancy, maternity, race, religion, socio-economic status, cultural beliefs, colour, caste or creed.

- To treat in privacy and with dignity and respect the patients religious and cultural beliefs throughout the duration of care including, but not limited to, taking the medical history, examination, or adopting any other course of action.

- To pay their dues, fairly remunerate their own employees and respect the property of others.

- To assist in the realization of the right of access to healthcare of all arrested, detained and accused persons and to bring to the attention of the authorities, or inspecting judge, any irregularities or needs of the inmates in relation to healthcare.
4. INFORMATION

Healthcare service providers have the right to give and to receive information

A. Rights:

- Right to get accurate and complete personal contact details of patients i.e. full name, age, complete postal address, contact numbers etc, and the HCSP should be informed by the patient of any changes in given information.

- Right to access information held by the state and any other person or private institution, company or organization regarding one’s own/patient’s health.

- Right to freedom of expression and speech, within limitations set by relevant regulations/laws.

- Right to express themselves and their opinions without victimisation. Healthcare providers have the right to notify their patients of their services according to the rules.

- Right to have their justifiable disputes heard in a court of law or other appropriate forum. Healthcare providers who act as witnesses in cases have the right to be fairly remunerated for their services.

B. Responsibilities:

Healthcare service provider’s responsibilities are:

- To provide access to information requested by their patients and to ensure that health data is stored safely and not sold or passed on without the patient’s informed consent.

- To provide access to information related to the patient’s health.
To give information in a way that is easily understood, using the appropriate medium and language.

Healthcare providers may only withhold information on the limited grounds listed by the Pakistan Right to Information Act 2013.

Not to practice hate speech or to use expressions that are harmful to others or is aimed at inciting harm or violence.

Healthcare providers have a responsibility to listen to their patients and take their views into consideration.

Healthcare providers have the responsibility not to advertise in an unprofessional or comparative manner.

To assist in legal proceedings when called upon as expert witnesses.

Healthcare providers have a particular responsibility in relation to crimes such as child abuse, domestic violence and abuse of the elderly.

**4. PARTICIPATION**

Healthcare service providers (HCSP) have the right to participate in the collaborative process of decision making, occupation and trade, fair labour practices and political choices.

**A. Rights:**

- Have the right to take an active part in discussions and decisions about his/her healthcare and treatment.
- Have the right to Freedom of Assembly, demonstration, picketing, and to present petitions, without victimization.
- Have the right to Freedom of Trade, occupation and profession, within the limits set by the Government and the law in general, including choices in relation to specialization where positions exist.
- It is the inalienable right of HCSPs to take part in economic endeavours, fair labour practices, including the right to lodge disputes including fair dispensation of overtime, leave and working conditions.

- To ensure that their investigations are conducted in such a way that the patient is not exposed to unnecessary pain and discomfort.
- To give information in a way that is accessible to the patient, ensuring that the patient understands the information.

4. **ء. شرکتیں**

صحیح جس سے پرستش، معنوی، سوشل اور سیکیورٹی کے لئے برائے انسانوں کے لئے سوانح کے لئے پرستش اور خدمات کی تیاری کے لئے۔

**الف. حق:**

- کسی حاصل کے لئے اپنے حقوق کو ذکر کریں۔
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B. Responsibilities:

Healthcare service provider’s responsibilities are:

- To exercise their rights to assembly, demonstration, picketing and petitions to such an extent that it does not affect the healthcare of their patients.

- Not to exercise his/her association in such a manner that it discriminates against any other person, amounts to supporting any scheme providing perverse incentives or to a denial or exclusion of the rights or benefits potentially due to other HCSPs or others.

- To ensure that they exercise their occupation within the limits set by the law. This also means that economic endeavours should not amount to perverse activities or to partake in activities that undermine the best possible patient care.

- To fulfill their employment duties. The heads of the healthcare facilities have the responsibility to facilitate and harmonise the employment rights of healthcare providers employed by them.

- To practice medicine in such a way as not to endanger the lives of their patients.

- To ensure that patient’s right to full and informed consent.

- The right to have their grievances taken up at appropriate forums.

- HCSP have the right to be assisted in disciplinary enquires, to state their side of the case and to an impartial chairperson.

- Have the right to make political choices and participate in political activities, to freedom of association, which includes the right to voluntarily form, join and participate in any association or to disassociate.

- Have the right to access and to participate in career development activities, education and training.

- Forbotten to break the confidentiality of the patient’s personal information.

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- To refuse to endanger the lives of their patients.

- To refuse to support any scheme providing perverse incentives or to a denial or exclusion of the rights or benefits potentially due to other HCSPs or others.

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- Have the right to access and to participate in career development activities, education and training.
To ensure that any political affiliation and activities does not interfere with his/her duties to provide good patient care.

To ensure that s/he informed their employer about the latest developments in their fields and take part in educational and career development activities organized by their organization/employer.

6. PRIVACY

Healthcare Service Providers have the right to privacy and confidentiality.

A. Rights:

- Have the right to personal privacy and privacy of information. This includes protection of personal information, communication, family and property.

- Have the right to freedom of movement and residence, which includes not being subjected to unreasonable limitations in terms of where healthcare service providers must live and work.

B. Responsibilities:

Healthcare service provider’s responsibilities are:

- To protect the privacy and confidentiality of his/her patients and to only disclose healthcare, treatment, diagnostic and other health information with the patient’s informed and written consent or when authorized by law or a court to do so.

- The healthcare establishment or healthcare provider to ensure that incases of children and females in the immediate post Anesthesia phase, a female staff shall be present until a family member or carer can join the patient.

- Freedom of movement and residence; not to interfere with the rights of movement and residence of others and to, as far as possible, accommodate patients whose residence may cause difficulty in accessing health care.

- Responsibilities:

- To ensure the provision of all services to patients, and the services provided shall not interfere with his/her duties to provide good patient care.

- To ensure that s/he informed their employer about the latest developments in their fields and take part in educational and career development activities organized by their organization/employer.

- An entity that fails to provide this information shall be subject to reasonable limitations in terms of where healthcare service providers must live and work.

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C. Waiver:

Healthcare service providers may waive their right to privacy and confidentiality in certain situations, such as when it is necessary to disclose information to prevent harm to the patient or others, or when required by law.

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- The healthcare establishment or healthcare provider to ensure that incases of children and females in the immediate post Anesthesia phase, a female staff shall be present until a family member or carer can join the patient.

- Freedom of movement and residence; not to interfere with the rights of movement and residence of others and to, as far as possible, accommodate patients whose residence may cause difficulty in accessing health care.

C. Waiver:

Healthcare service providers may waive their right to privacy and confidentiality in certain situations, such as when it is necessary to disclose information to prevent harm to the patient or others, or when required by law.

6. PRIVACY

Healthcare Service Providers have the right to privacy and confidentiality.

A. Rights:

- Have the right to personal privacy and privacy of information. This includes protection of personal information, communication, family and property.

- Have the right to freedom of movement and residence, which includes not being subjected to unreasonable limitations in terms of where healthcare service providers must live and work.

B. Responsibilities:

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7. Feedback and Comment

Healthcare service providers have the right to feedback and comment on the conduct of any patient, Co-worker or management/employer.

A. Rights

- Have the right to pass on any feedback, suggestions and raise concerns or complaints to the employer, SHCC or any regulatory or law enforcing agency, as deemed necessary, without any fear of retribution/revenge and harassment by patients, co-workers, management/employer.
- Have the right to be aware of procedures and resolution of disputes and conflicts.
- Have the right to be given information on how to give feedback and comment or raise concerns about the health services and care.
- Have the right to seek compensation if the HCSP has been harmed or harassed by patients, co-workers, management/employer.

B. Responsibilities

Healthcare service provider’s responsibilities are:

- To provide both positive and negative feedback about the care and treatment or about the health services in general.
- To withhold from initiating or participating in fraudulent healthcare and to report unethical behavior of patients, co-workers, other healthcare providers, or the practices management of the healthcare establishment to the appropriate authorities.
- To raise any concerns about the safety, effectiveness or cleanliness of services that may affect the health of himself/herself, patients and family/society.
- To discuss any misunderstandings/ lack of understanding, regarding healthcare services, procedures, rules and policies of healthcare establishment through the appropriate methods/channels.