

## Patient Rights, Responsibilities and Health Care Choices

### (a) Patient rights requirements for all hospitals.

- (1) A hospital shall adopt, implement, and enforce a policy to ensure patients' rights. The written policy shall include:
  - (A) the right of the patient to the hospital's reasonable response to his or her requests and needs for treatment or service, within the hospital's capacity, its stated mission, and applicable law and regulation;
  - (B) the right of the patient to considerate and respectful care:
    - (i) the care of the patient includes consideration of the psychosocial, spiritual, and cultural variables that influence the perceptions of illness;
    - (ii) the care of the dying patient optimizes the comfort and dignity of the patient through:
      - (I) treating primary and secondary symptoms that respond to treatment as desired by the patient or surrogate decision maker;
      - (II) effectively managing pain; and
      - (III) acknowledging the psychosocial and spiritual concerns of the patient and the family regarding dying and the expression of grief by the patient and family;
  - (C) the right of the patient, in collaboration with his or her physician, to make decisions involving his or her health care, to include the following:
    - (i) the right of the patient to accept medical care or to refuse treatment to the extent permitted by law and to be informed of the medical consequences of such refusal; and
    - (ii) the right of the patient to formulate advance directives and to appoint a surrogate to make health care decisions on his or her behalf to the extent permitted by law. Advance directives are written instructions recognized under state law relating to the provision of health care when individuals are unable to communicate their wishes regarding medical treatment. The advance directive may be a written document authorizing an agent or surrogate to make decisions on an individual's behalf (a medical power of attorney for health care), a written or verbal statement (a living will), or some other form of instruction recognized under state law specifically addressing the provisions of health care;
      - (I) a hospital shall have in place a mechanism to ascertain the existence of, and, as appropriate, assist in the development of advance directives at the time of the patient's admission;
      - (II) the provision of care shall not be conditioned on the existence of an advance directive; and
      - (III) an advance directive(s) shall be in the patient's medical record and shall be reviewed periodically with the patient or surrogate decision maker if the patient has executed an advance directive;
  - (D) the right of the patient to the information necessary to enable him or her to make treatment decisions that reflect his or her wishes; a policy on informed decision-making shall be adopted, implemented and enforced by the medical staff and governing body and shall be consistent with any legal requirements;
  - (E) the right of the patient to receive, at the time of admission, information about the hospital's patient rights policy(ies) and the mechanism for the initiation, review, and when possible, resolution of patient complaints concerning the quality of care;
  - (F) the right of the patient or the patient's designated representative to participate in the consideration of ethical issues that arise in the care of the patient. The hospital shall have a mechanism for the consideration of ethical issues arising in the care of patients and to provide education to caregivers and patients on ethical issues in health care;
  - (G) the right of the patient to be informed of any human experimentation or other research or educational projects affecting his or her care or treatment;
  - (H) the right of the patient, within the limits of law, to personal privacy and confidentiality of information;
  - (I) the right of the patient or the patient's legally designated representative to access the information contained in the patient's medical record, within the limits of the law; and
  - (J) the right of the patient's guardian, next of kin, or legally authorized responsible person to exercise, to the extent permitted by law, the rights delineated on behalf of the patient if the patient:
    - (i) has been adjudicated incompetent in accordance with the law;
    - (ii) is found by his or her physician to be medically incapable of understanding the proposed treatment or procedure;
    - (iii) is unable to communicate his or her wishes regarding treatment; or
    - (iv) is a minor.