

Charter of Patients' Rights and Responsibilities
(As approved by National Council for Clinical Establishments)

As updated on 23rd August 2021

Patients' Rights: A patient and his/her representative has the following rights with respect to the clinical establishment-

- i. To adequate relevant information about the nature, cause of illness, proposed investigations and care, expected results of treatment, possible complications and expected costs;
- ii. To information on the Rates charged for each type of service provided and facilities available. Clinical Establishment shall display the same at a conspicuous place in the local as well as in English language.
- iii. To access a copy of the case papers, patient records, investigation reports and detailed bill (itemized).
- iv. To informed consent prior to specific tests/treatment (e.g. surgery, chemotherapy etc.)
- v. To seek second opinion from an appropriate clinician of patients' choice, with records and information being provided by the treating hospital.
- vi. To confidentiality, human dignity and privacy during treatment.
- vii. To have ensured presence of a female person, during physical examination of a female patient by a male practitioner.
- viii. To non-discrimination about treatment and behaviour on the basis of HIV status
- ix. To choose alternative treatment if options are available

x. Release of dead body of a patient cannot be denied for any reason by the hospitals.

xi. It was recommended that patient seeking transfer to another hospital/discharge from a hospital will have the responsibility to "settle the agreed upon payment".

xii. It may be specified in the charter that no discrimination in treatment based upon his or his illness or conditions, including HIV status or other health condition, religion ethnicity, gender (including transgender), age, sexual orientation, linguistic or geographical/social origins.

xiii. Informed consent of patient should be taken before digitization of medical records.

Inclusion of Additional Charter of patients' rights in minimum standards-

The National Council for Clinical Establishments approved for inclusion of the following additional patient rights, as per National Human Rights Commission (NHRC) Advisory, in the already approved list of patient rights as given above.

xiv. Right to care according to prescribed rates wherever relevant

xv. Right to choose source for obtaining medicines or tests

The hospitals especially corporate hospitals and other clinical establishments should not force the patients to purchase the medicines from the Hospital Pharmacies, and if they are able to get medicines from outside at lower price/cost, that should be acceptable.

Thus, No patient is forced to buy medications from hospital pharmacy. He can choose the

pharmacy from where he wants to purchase the medicine.

Similarly if the patient wants to get his tests done from outside, that may be accepted and facilitated by the hospitals or clinical establishments.

- xvi. Right to protection and compensation for patients involved in clinical trials, as per Drugs and Cosmetics Act and other Government Guidelines.
- xvii. Right to protection and compensation for participants involved in biomedical and health research as per ICMR and other Government Guidelines.
- xviii. Right to Patient Education
- xix. Right to be heard and seek redressal: Every Hospital shall have/establish a time bound Grievance redressal mechanism to address the grievances of the patients. A Grievance redressal officer will be identified by the hospital and his name and contact details will be displayed at a conspicuous place in local language and in English. The records of grievances received and remedial action taken will be maintained. The name and contact details of the district registering authority will also be displayed who may be contacted in case of non-redressal of the grievance of patients to their satisfaction
- xx. Right to proper referral and transfer, which is free from perverse commercial influences
 - a. In case of referral by the hospital, the referring hospital will provide proper referral transport facility in the most appropriate vehicle/ambulance for transfer of patient to the nearest possible hospital where facilities for appropriate and timely management of the condition of the patient, are available.
 - b. Such transfer of patient will not be refused even if not referred by the treating hospital and even if the

patient is leaving against medical advice (LAMA). The applicable reasonable charges may be levied by the Clinical Establishments for such transfers. However, in case of an emergency situation, such referral transport will be provided free of cost as far as possible and will not be refused for want of any payment.

- c. State/UT Government may consider to define various charges for different types of ambulance for compliance by the hospitals and other clinical establishments. The Clinical Establishments will be required to display the rates of charges of ambulance(s)
- d. The referring hospital shall provide a qualified and trained person to monitor and manage the condition of the patient enroute till the patient is received by the referee hospital

The information about the above additional rights should be widely disseminated by the Ministry and State Governments among Hospitals, doctors, patients and public so that everyone is aware that the rights exist.

Patients' Responsibilities:

- i. Provide all health related information
- ii. Cooperate with Doctors during examination, treatment
- iii. Follow all instructions
- iv. Pay hospitals agreed fees on time
- v. Respect dignity of doctors and other hospital staff
- vi. Never resort to violence.

Note:-

1. The Patients' Rights as listed from Serial no. (i) to (xiii) were disseminated to all States/UTs for adoption and implementation vide MoHFW letter dated 02.06.2019, as may be seen at weblink <http://clinicalestablishments.gov.in/WriteReadData/9901.pdf>

2. The Patients' Rights as listed from Serial no. (xiv) to (xx) is the additional charter of patients' rights, as approved by National Council for Clinical Establishments in its 12th meeting (Minutes issued on 23.08.2021) for inclusion in the Minimum Standards, in addition to the aforesaid Rights from (i to xiii).

3. The information about the above mentioned Patients' Rights and responsibilities should be widely disseminated by the respective State/UT Government among hospitals, doctors, patients and General Public.