Course Information

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<th>Course Title</th>
<th>Patient Rights</th>
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<tr>
<td>Regulations/Standards</td>
<td>The Joint Commission standards for Patient Rights</td>
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<tr>
<td>Approximate Time to Complete</td>
<td>15 minutes</td>
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<td>Intended Audience</td>
<td>Clinical staff</td>
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<td>Technical Specifications</td>
<td>Flash player 11, Internet Explorer 11,</td>
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<td>Date Revised</td>
<td>August 2016</td>
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Contact Information

Please forward any content questions or concerns to the Subject Matter Expert:
Carolyn Coleman  610-402-9412

Please call the Help Desk at 610-402-8303 with any technical issues.

This course does not contain audio.
Objectives

Upon completion of this course, you should be able to:

- Identify Lehigh Valley Health Network’s responsibilities related to protecting patients’ rights
- Define the term Advance Directive, including three types of Advance Directives
- List the categories of persons who may act as an incompetent patient’s decision maker in order of who should be selected first
- List five rights that patients have in the healthcare setting
LVHN’s Responsibilities

As a healthcare provider at LVHN, it is your responsibility to protect the rights of your patients.

You are responsible to:

- **Address patients' complaints**
  - Healthcare facilities are required to create a process to quickly resolve patient complaints. You must provide patients with contact information and explain how to report concerns or complaints.

- **Maintain Confidentiality**

- **Ensure that patients actively participate in their own healthcare**
LVHN’s Responsibilities

As a healthcare provider at LVHN, it is your responsibility to protect the rights of your patients.

You are responsible to:

- **Address patients’ complaints**
- **Maintain Confidentiality**
- **Ensure that patients actively participate in their own healthcare**

Patients’ health information should remain private and confidential. The HIPAA law regulates the privacy and security of health information and governs how health information can be used and disclosed. A patient’s health information may be shared in order to provide treatment, for payment purposes, and for healthcare operations. In other situations, a patient’s consent must be obtained before the information can be used or disclosed. You should take all reasonable measures to protect the privacy of your patients. For more detailed information on privacy and confidentiality, please refer to the annual training course titled, "Protecting the Privacy and Security of Confidential Information" and the HIPAA policies located within the Administrative Policy Manual on the LVHN intranet.
LVHN’s Responsibilities

As a healthcare provider at LVHN, it is your responsibility to protect the rights of your patients.

You are responsible to:

- Address patients’ complaints
- Maintain Confidentiality
- Ensure that patients actively participate in their own healthcare

Patients and their representatives have the right to make decisions about treatment and care.
The CMS Conditions of Participation require that every inpatient is provided an opportunity to have his or her physician notified about his/her admission. The patient also has the right to have a family member or representative of his or her choice notified promptly of his/her admission to the hospital.
Lehigh Valley Health Network has a policy entitled "Patient Rights and Responsibilities".

This policy was written to support our patients' interests and well-being, and to establish the expectations for patients' responsibilities to LVHN.

The Patient Bill of Rights guarantees fair, considerate treatment, equal access to services and the opportunity to give informed consent about treatment.
Regulatory Requirements

Patient Decision Making Rights:
• The right to participate in and direct their own healthcare
• The right to accept or refuse medical treatment
• The right to create an Advance Directive

The Patient Self-Determination Act (PSDA) requires hospitals, nursing homes, home health agencies and hospices to provide patients with information on Advance Directives at the time of admission.

CMS requires healthcare facilities to provide inpatients, observation patients, emergency room patients and patients undergoing same day or ambulatory surgery with a written summary of their healthcare decision making rights and the facility’s policies on Advance Directives.

At the time of registration or admission, patients must be asked if they have an Advance Directive. Patients can never be discriminated against based on whether or not they have an Advance Directive.
Advance Directives

**Advance Directives** are legal documents that allow individuals to express in advance their wishes regarding healthcare decisions and end of life care. A valid Advance Directive must be signed and dated by the patient and witnessed by two adults.

**There are three types of Advance Directives:**
1. A living will
2. A health care power of attorney
3. A combination document with features of both a living will and a health care power of attorney.
Living Will

A *living will* is a written legal document that expresses an individual's desires regarding "life-sustaining" medical care in the event that he or she is incompetent and terminally ill or permanently unconscious.

"Life-sustaining" treatment is medical care which only serves to prolong the process of dying or maintains the patient in a permanent state of unconsciousness.
Health Care Power of Attorney

A health care power of attorney (HCPOA) is a document that designates a person to make health care decisions for another individual.

The person designated to make health care decisions in a HCPOA is known as a health care agent. The health care agent may make decisions for the individual based on the powers and directions contained in the written HCPOA. A health care agent may make decisions for a patient only if the patient is deemed to be incompetent.
Health Care Representative

5 seconds

**Advance Directives**

- **Living Will**
- **Health Care Power of Attorney**
- **Health Care Representative**
- **Next of Kin**

**Health Care Representative**

A competent person may designate another individual to make medical decisions for him or her in writing or by personally informing the attending physician or health care provider. The health care representative may then make healthcare decisions for the patient if the patient becomes incompetent.
Next of Kin

If an incompetent patient does not have a legal guardian or health care agent and did not specifically name a health care representative, the patient's next of kin may act as the health care representative.

The following persons, in the order listed, may be selected to act on the patient's behalf:
1. Current spouse (unless an action for divorce is pending)
2. The adult children of the patient who are not the children of the current spouse
3. Other adult children
4. A parent
5. An adult brother or sister
6. An adult with knowledge of the patient's preferences, values, and beliefs
The PA Department of Health developed the PA Orders for Life Sustaining Treatment (POLST) form as a tool to help health care professionals understand the treatment wishes of patients with advanced, end stage illness or who are at risk of losing decision making capacity.

- The bright pink double sided POLST form is a set of portable medical orders that can be used by hospitals, long-term facilities, home health agencies and hospices.
- Emergency Department or other Accepting Attending Physicians may enter orders pertaining to life sustaining treatment based upon the patient’s POLST if indicated.
- To be valid, original or copied versions of the patient’s POLST must contain the signatures of the patient or their surrogate, a provider (Physician, PA or CRNP) and be dated.
- For additional information on the POLST, please read the LVHN POLST policy located in Policy Tech.
Patients’ Decision Making Rights

Competent patients have the right to make decisions regarding their own medical care.

Patients also have the right to refuse treatment.

A health care agent (unless otherwise stated in the Health Care Power of Attorney), health care representative or next of kin may only make decisions for a patient if he or she is incompetent.

The decision to withhold or withdraw life sustaining treatment can be changed by the patient at any time, regardless of his or her competency.
Lehigh Valley Health Network is passionate about providing quality care to all patients.

Adhering to patients’ rights is key to patient satisfaction and quality. Patients have the right to:

- Be provided with medical care and services based on sound medical practice
- Be treated with respect at all times
- Make informed decisions regarding their healthcare
- Be given full information regarding their healthcare that they can understand
  - This includes interpretation and translation free of charge
  - This also applies to services patients may require to address vision, speech, hearing or cognitive needs in order to effectively communicate information

No patient may be denied care based on race, color, religion, gender identity, sexual orientation, age, disability, national origin, education level, income, culture, language, marital status or ability to pay.
Each patient has the right to receive visitors. A patient may also withdraw or deny his/her consent to receive designated visitors.

All visitors are welcome without discrimination and must enjoy full and equal visitation privileges.

The basis for restricting or limiting visitation must be communicated to the patient or designated support person.
Ready to Test Your Knowledge?

You should now be able to:

• Identify Lehigh Valley Health Network’s responsibilities related to protecting patients’ rights
• Define the term Advance Directive, including three types of Advance Directives
• List the categories of persons who may act as an incompetent patient’s decision maker in order of who should be selected first
• List five rights that patients have in the healthcare setting