



**CHARTER ON  
PATIENTS' &  
HEALTH SERVICE  
PROVIDERS'  
RIGHTS &  
RESPONSIBILITIES**

## INTRODUCTION

Health, defined as a complete state of physical, mental, social and spiritual well-being is a fundamental right. According to the Constitution of Malawi Section (13), responsibility of the state is to provide adequate health care commensurate with the health needs of Malawi Society and international standards of health care.

We are all patients, one time or the other. Often times health services delivery is less than optimal, sometimes due to lack of observance of fundamental human rights and responsibilities on the part of patients and health care workers. The patients' and health services providers Charter of Rights and Responsibilities is an attempt by the government and Civil Society in Malawi to raise the general health services of all Malawians through the respect of the rights and responsibilities by both patients and their guardians and healthcare workers.

## PATIENT'S RIGHTS

### 1. Right to Access to health care

- Every individual shall have access to healthcare and treatment according to his/her need.
- Every patient has the right to be cared for by a competent health worker regardless of age, gender, ethnicity, religion, economic status and without any form of discrimination.
- Every patient has the right to access medicines, vaccines and other pharmaceutical Supplies of acceptable standards interms of quality, efficacy and safety as determined by the Pharmacy, Medicines, and Poisons board.
- Every individual has the right to prompt emergency treatment from the nearest public or private health facility until the condition is stabilized and within 24 hours and in accordance with **Public Health Act**.

### 2. Right to Choice and Second opinion

- Every patient has the right to choose a health facility from which to obtain care in line with the health delivery system.
- Every patient has the right to a second opinion at any time.

### **3. Right to adequate information and health education**

- Every patient has the right to know the identity and professional status of the person providing care.
- Every patient has the right to have adequate information regarding all aspects of care, including the right to adequate information on diagnosis and tests performed; medicines prescribed; reason for prescription; the dose, duration of tracking medicine, side effects and safety.
- Every patient shall be informed of the reason for any referral to another health facility or health care provider.
- Every patient shall be given information about self-care, drug administration and preventive measures which may be necessary.
- Every individual has the right to seek and obtain information regarding preventive, curative and rehabilitative medicine.
- Every patient has the right to know his or her prognosis

### **4. Right to informed consent/refusal of treatment**

Every patient or guardian shall provide informed consent before any surgical or invasive procedure is carried, but such consent may be waived in case of emergency or in certain psychiatric cases.

### **5. Right to participation/representation**

- Every patient has the right to participate in decision making affecting his or her health through –
  - Discussing with health professionals and personnel involved in direct health care.
  - Consumer and community representation in planning and evaluating the system of health services, the types and qualities of service and the conditions under which health services are or were delivered.

## **6. Right to respect and dignity**

Every patient shall be treated with kindness, consideration, respect and dignity without regard to age, gender, ethnicity, religion, economic status and without any form of discrimination.

## **7. Right to a guardian**

Every Child admitted to the hospital shall, wherever possible, have the right to company of a parent or guardian.

## **8. Right to privacy and confidentiality**

Every individual has the right to have the details regarding his/her diagnosis, treatment, prognosis and other aspects of his/her care kept confidential.

There may be situations when there may be need to disclose the patient's information, for instance –

- If authorized by patient.
- Public health reason.
- If patient is unable to consent and in the patient's own interest to disclose such information.
- If the information is required for legal purposes.
- If medical records are required for continued care by another health care provider

## **9. Right to safe environment**

Every individual has the right to a safe and clean healthcare facility.

## **10. Right to complain about health services**

- Everyone has the right to complain about health care services and to have such complaints investigated and to receive a full response on such investigation.

## **PATIENTS' RESPONSIBILITY**

1. Every patient shall ensure that he/she knows and understands what the patients' rights are and shall exercise the right reasonable and responsibly.
2. Every patient shall conduct himself/herself so as not to interfere with the rights or wellbeing of other patients and health care providers.
3. Every patient shall accept all consequences of the patient's own informed decisions
4. Every patient has the responsibility to ensure or maintain his/her own health and that of the society by refraining from –
  - Consumption of unhealthy food and water.
  - Consumption of alcohol, drugs, substances of abuse and tobacco.
  - Irresponsible sexual activity and other lifestyles that are hazardous to health.
  - Degradation of the environment.
5. Every patient has the responsibility to provide health care providers with relevant and accurate information for diagnostic treatment, rehabilitation or counselling purposes.
6. Every patient must know his/her local health care providers and what service they offer.
7. Where Applicable every patient is responsible for settling his/her bills at times requested by health providers.
8. Every patient shall comply with the prescribed treatment and keep appointments and shall inform the health professional in good time if unable to do so.
9. Every patient has the responsibility to care of his/her health records in his/her possession.

## **HEALTH WORKERS RIGHT**

## **1. Access to equipment and supplies**

- Every health worker has the right to access **at least minimum** equipment and supplies necessary for patient care all the times.

## **2. Continuing education**

- Every health worker has the right to career development to improve competence in patient's care
- Every health worker has the right to continuing education in the area of specialty/assignment to improve patient care.

## **3. Respect and Dignity**

- Every health worker has the right to be treated with consideration, respect, dignity by his or her employer, patients, guardians and the community at large.

## **4. Working hours and rest**

- Every health worker has the right to working hours and adequate rest period that are clearly defined.

## **5. Occupational health and protection**

- Every health worker shall have the right to a working condition and environment that protects his/her own health and **that of** a patient.
- Every health worker has the right to occupational health protection.
- Every health worker has the **right of** access to prompt treatment for infections acquired while discharging his/her duties.

## **6. Professional Practice**

- Every health worker has the right to practice professionally without hindrance and/or undue influence from patients, employers, colleagues or the community, in accordance with existing laws and regulations.

## **7. Right to Complain**

- Every health worker has the right to complain through an established complaint system about violation of any of the rights.

## **DRAFT HEALTH WORKERS RESPONSIBILITIES**

Every health worker shall –

- Be licensed with an appropriate professional body at all times and shall maintain current such license;
- Have the requisite professional qualifications commensurate with the requirements of the job;
- Comply with ethical provisions of the profession in which they are in;
- Comply with professional codes of conduct
- Familiarize himself/herself and comply with universal precautions against infection of himself/herself and patients.
- Familiarize himself/herself and comply with the provisions of the Charter of the patients and Health service providers Rights and responsibilities.
- Conduct his/her duties in the best interest of the patient;
- Keep up to date with current developments in professional practice and update his/her professional skills and knowledge;
- Comply with ethical requirements with respect to research/experimentation on human beings in accordance with national research guidelines.