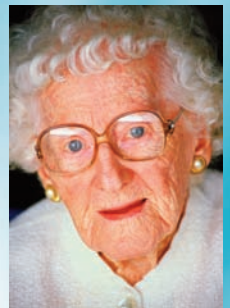
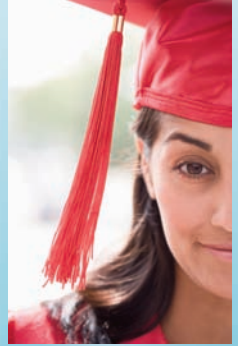


MENTAL HEALTH AND ADDICTION PROGRAM

# St. Joseph's Healthcare Hamilton



# Patient Bill of Rights

*The Patient Bill of Rights was developed specifically for individuals who use the services of the Mental Health and Addiction Program of St. Joseph's Healthcare Hamilton. The Bill of Rights is a living document that will grow and change with our organization, laws and legislature, and perhaps most importantly the changing needs of each patient.*

*In keeping with St. Joseph's Healthcare Hamilton's corporate statement of Patient Rights and Responsibilities, the Mental Health and Addiction Program is dedicated to providing compassionate, sensitive care to patients and their families. The Executive Team of the Mental Health and Addiction Program endorses the Patient Bill of Rights and in so doing, expects that all staff, volunteers and learners will do their utmost to respect and uphold the Patient Bill of Rights. The Patient Bill of Rights complements corporate and program policy and is in keeping with all current laws and legislation relevant to mental health, privacy and human rights. The Patient Bill of Rights is not hospital policy, but rather a document which embraces the mission, vision and values of St. Joseph's Healthcare Hamilton and reflects our common goal to support the personal recovery goals of each patient in a respectful and dignified manner.*

*While this document emphasizes and gives recognition to the right for every patient to receive the highest standard of care, regardless of a diagnosis of mental illness or addiction, it also recognizes the need to accept certain responsibilities that are assumed in having these rights.*

*We encourage all patients to be full partners in their health care.*

*Every patient has the right to care based on support, healing and equality.*

## RIGHT TO BE TREATED WITH RESPECT

Every patient is a person first, and has the right to be treated with respect.

1. Every patient has the right to be treated in a respectful manner, regardless of his/her race, culture, colour, religion, sex, age, mental or physical disability, cognitive ability, class/economic position, sexual orientation, gender identity, diagnosis, inpatient/outpatient status or legal status.
2. Every patient has the right to have his/her privacy respected, unless otherwise required by law.
3. Every patient has the right to the respect of his/her needs, wishes, values, beliefs and experience.

## RIGHT TO FREEDOM FROM HARM

1. Every patient has the right to a safe environment while a patient at SJHH.
2. Every patient has the right to be free from neglect or being treated as inferior, and to be free from physical, sexual, verbal, emotional, psychological and financial abuse.
3. Every patient has the right to be free from demoralizing attitudes or treatment, discrimination, harassment, retribution, punishment and exploitation.
4. Every patient has the right not to be coerced or detained except where required by law.
5. Every patient has the right to be free from locked seclusion, environmental, chemical and mechanical restraint except where necessary to protect his/her own safety, or that of others and as permitted by law. Only the minimum necessary amounts of restraint or locked seclusion are allowed, and only after lesser restrictive alternatives have been tried.

## RIGHT TO DIGNITY AND INDEPENDENCE

1. Every patient has the right to have services provided in a manner that respects the dignity, independence and self-determination of the individual.
2. Every patient has the right to refuse any treatment or therapy with which they do not agree, unless the patient is found to be incapable, in which case a substitute decision maker would be consulted.
3. Every voluntary patient has the right to discharge him or herself from the hospital; staff cannot detain or restrain voluntary patients.
4. Every patient has the right to private communication with others in accordance with the law.
5. Every patient has the right to privacy about personal health information and records in accordance with the law.
6. Every patient has the right to have contact with clergy or other spiritual advisors of his/her choice, and to exercise religious and spiritual observances, rituals, customs and dress, in accordance with hospital policy and current laws and legislation.
7. Every patient has the right to retain and use personal possessions, with access to secure storage, in keeping with safety requirements and other patients' rights and the law.
8. Every patient has the right to wear his/her own clothing except when specific articles of clothing are determined to pose a risk to his/her own safety or the safety of others.
9. Every patient has the right to manage his/her own financial resources unless found to be financially incapable. This right includes access to his/her money and to accurate information about his/her hospital account.

10. Every patient, in keeping with the policy on sexuality and sexual behaviour, has the right to be recognized as having needs for privacy and intimacy, including sexual expression between consenting adults. This includes access to privacy, information and education regarding safe sexual practice, family planning, and protection from sexually transmitted diseases
11. Every patient has the right, if eligible, to vote in any election, and to receive the necessary information to be enumerated and to vote, as well as assistance in getting to the polling station, if on hospital premises.
12. Every patient has the right to all freedoms in accordance with the law.
13. Every patient who successfully challenges a form of involuntary admission has the right to be informed promptly that she/he is no longer an involuntary patient; she/he shall be informed that she/he may leave the hospital and allowed to leave without recrimination or fear of recrimination.

## RIGHT TO QUALITY HEALTH CARE THAT COMPLIES WITH STANDARDS

1. Every patient has the right to have quality care provided in a manner that complies with legal, professional, ethical, and other relevant standards.
2. Every patient has the right to identify his/her own needs, to have those needs attended to in the development of a plan for care/services, and to have services provided in accordance with that plan.
3. Every patient has the right to fair and equitable access to a range of care/treatment.
4. Every patient has the right to choices within his/her care/service plan, and will not be denied his or her preference, within the choices available, even if it is not the option recommended or preferred by others.

5. Every patient has the right to have the documentation about his/her care to be factual, accurate, objective, concise and timely.
6. Every patient has the right to access care to meet basic needs without undue difficulty.
7. Every patient has the right to reasonable accommodations required to access services.
8. Every patient has a right to choose the least restrictive care.
9. Every patient has the right to have services provided in a manner that minimizes potential harm, and optimizes quality of life.
10. Every patient has the right to co-operation and collaboration among providers to ensure quality and continuity of patient centred care (including integration with other healing practices), in support of wellness and recovery.
11. Every patient has the right to be informed of the name and staff title of those providing services to him/her, to express a preference and to have that preference considered.
12. Every patient has the right to nutritious and safe food, based on Canada's Food Guide to Healthy Eating, in accordance with medical and religious requirements. Consideration shall be given to personal and cultural choices (such as vegetarian or alternate protein choices).
13. Every patient has the right to be supported in accessing educational and recreational activities.
14. Every patient has the right to a quiet, safe and secure sleeping environment – in keeping with the allowances that the physical environment enables.
15. Every patient has the right to participate in creating an individualized, written plan of care and service without coercion; consent to it; and receive a copy of it.

16. Every patient has the right to seek a second medical opinion without recrimination or fear of recrimination.
17. Every patient has the right to attend any and all meetings where his/her individual care/treatment is being planned, except where his/her involvement might pose a risk to him/her or to others.
18. Every patient has the right to be involved in their discharge planning, and to have access to information about various support options available in the community, including self-help organizations.
19. Every patient has the right to access toilet facilities with all possible privacy.
20. Every patient is entitled to receive the most appropriate clinical care available within the facility. If a more effective method of care delivery, expertise, best practice and/or resources are required, SJHH will take appropriate steps to transfer the patient to an appropriate facility for treatment/care and/or bring in outside expertise.

## RIGHT TO COMMUNICATION, INFORMATION AND EDUCATION

1. Every patient has the right to communication, information and education in a form, language and manner that assists the patient to understand the information provided.
2. Every patient has the right to an environment that enables both patient and the healthcare professional to communicate openly, honestly and effectively without leaving the patient feeling inferior due to a possible lack of knowledge of his/her illness and treatment.
3. Every patient has the right to expect that members of the healthcare team will communicate with one another in order to ensure continuity of care.

## RIGHT TO BE FULLY INFORMED

1. Every patient has the right to be made aware of, and be assisted in obtaining access to the patient advocate and any peer services.
2. Every patient has the right to be informed of his/her rights as noted in this policy. Every patient has the right to have this policy upon admission included in the Patient Handbook.
3. Every patient has the right to have this document openly displayed on his/her ward by staff for all patients to view at any time and also in a condensed pamphlet form.
4. Every patient or substitute decision-maker/appointed representative has the right to honest, complete and straightforward information, including written information on request, as per hospital policy, of:
  - a. The name and qualifications of the provider.
  - b. The recommendations for treatments or services.
  - c. How to obtain an opinion from another provider.
  - d. Where to access additional information if wanted.
  - e. Notification of developments in the area of treatment affecting the patient.
5. Every patient/SDM has the right to honest and accurate answers to questions relating to services.
6. Every patient has the right to provide informed consent, whether implied or expressed in the collection, use, access to and disclosure of his or her personal health information, except in accordance with the Personal Health Information Protection Act.
7. Every patient has the right to have his/her health record corrected or to add a statement of disagreement to it in accordance with current legislation and hospital policy.



8. Every patient has the right to challenge SJHH's compliance with the Personal Health Information Protection Act 2004.
9. Every patient has the right to information requested about services and procedures relevant to being a SJHH patient, such as rules, policies and rights that apply to him/her at SJHH.
10. Every patient/substitute decision maker has the right to review all of the patient's personal health record in accordance with hospital policy and current provincial legislation.

### RIGHT TO MAKE AN INFORMED DECISION, AND GIVE INFORMED CONSENT TO TREATMENT

1. No treatment shall be given without the patient's/substitute decision-maker's informed consent, except in accordance with the law.
2. Consent shall be for that particular treatment or plan of treatment.
3. Consent may be withdrawn at any time.
4. Information about the treatment shall be provided in writing on request. Every effort shall be made to promote understanding and access to information about proposed treatments.
5. Every patient is presumed to be capable of making decisions pertaining to his/her healthcare unless found to be incapable to consenting to treatment.
6. Consent shall be informed, voluntary and not obtained by coercion or misrepresentation.
7. If a patient is found to be incapable of making decisions, his/her substitute decision-maker shall have the same rights as the patient to be provided with the necessary information to make an informed decision and be free of coercion and misinformation during their decision making.

8. Every patient has the right to have his/her prior capable wishes respected to the fullest extent that the law allows.
9. Every patient has the right to be fully involved in treatment decisions (including the location, duration and type of treatment).
10. Every patient, including those considered incapable of making treatment decisions, has the right to be involved in the development of his/her treatment goals, plan of care and discharge planning.
11. Every patient has the right to be advised when students are involved and to decline student involvement in any part of his/her treatment without recrimination or fear of recrimination.

### FREEDOM AND RIGHT TO HAVE SUPPORTS

1. Every patient has the right to have any support person(s) of his/her choice with him/her during any clinical or non-clinical meetings with his/her healthcare providers.
2. Every patient has the right to access and have assistance in accessing the confidential support of counselling, rights advice, patient advocate, legal counsel or any other supports.
3. Every patient has the right to have anyone they choose visit him/her and have assistance contacting persons of their choice, unless that person is deemed to be a risk to the patient, other patients, visitors or staff.

### RIGHTS IN RESPECT OF RESEARCH OR TEACHING

1. Every patient shall be informed before he/she is asked to be involved in research that declining participation will not affect his/her access to care, treatment or future service provision.
2. Every patient has the right, should they need it, to take their time in deciding whether or not to participate in a research project.

3. Every patient who is not eligible for research has the right to be informed of treatment options available to him/her.
4. Every capable patient has the right to give informed consent to participate in research, including risks, and whether this treatment is new (or new for this purpose).
5. Every patient has the right to have the risks of participation in research fully explained to him/her.
6. Every patient/participant in research has the right to be informed of what the research study is about, and the results of the research in summary form.
7. Every patient/participant in research is guaranteed the right to have information gathered as part of the research kept confidential in keeping with privacy laws.

## RIGHT TO COMPLAIN

1. Every patient has the right to make a complaint and be informed of how he/she can make a complaint, access the Patient Advocate and Peer Support Services, and to make suggestions and enquiries.
2. Every patient has the right to make a complaint without recrimination or fear of recrimination.
3. As per hospital policy, every patient may make a complaint to the:
  - individual(s) who provided the care/service
  - Program / service / manager / medical director / head of service
  - Risk Manager
  - Psychiatric Patient Advocate Office
4. Every patient shall be informed of any relevant internal or external complaints procedures without recrimination or fear of recrimination.

4. Every patient shall be informed of any relevant internal or external complaints procedures without recrimination or fear of recrimination.
5. Every patient has the right to have anyone he/she chooses to support him/her during the complaint process.
6. Every patient has the right to have clinicians and managers facilitate a straight forward, transparent and timely resolution of complaints.
7. Every patient has the right to have his/her complaint acknowledged and documented. The patient shall be informed of the progress of his/her complaint in a timely fashion and the patient shall be informed who he/she can directly contact to check on the complaint's progress when he/she would like. The patient has the right to have any information requested put in writing.
8. Every patient has the right to inform Peer Support Services of his/her complaints and ask for advice. Patients also have a right to inform the Peer Support Council if they feel that their complaint was not rectified and to seek assistance from the Council with the complaint.
9. Every patient has the right to request to have an individual whom they have a complaint against removed from their individual care team during the complaint investigation period and afterward, regardless of the outcome.

### BE A PARTNER IN YOUR HEALTH CARE - PATIENT RESPONSIBILITIES

*It is important to recognize that the guarantee of rights also assumes people have certain responsibilities. It must also be recognized that at times it may be difficult to fulfil some of these responsibilities – this does not mean patients lose any of their rights. The role of staff is not only to uphold patient rights but to support each patient in their understanding and ability to work towards fulfilling their responsibilities.*

*The responsibilities outlined below are in keeping with St. Joseph's Healthcare Hamilton's mission, vision and values.*

With this in mind it is important, when able, that you and/or your representatives:

### Participate

- Be an active member of your health care team; ask questions and be involved in decisions about your care.
- Follow your agreed upon plan of care to the best of your ability

### Communicate

- Speak up if you have questions, concerns, or do not understand any information given to you, or if you do not understand information included in your health care plan.
- Provide relevant and accurate information to your health care team.
- Where possible, choose someone in advance to act for you, should the need arise.

### Treat others with Dignity and Respect

- Treat all members of your health care team, other patients and visitors with dignity and respect.
- Respect the privacy and confidentiality of others, including patients, families, visitors and staff.
- Respect hospital property and comply with hospital policies and regulations as they apply to you.

## REFERENCES

American Psychological Association, *Mental Health Patient's Bill of Rights*, Washington, DC, 2006.

Centre for Addiction and Mental Health, *Bill of Client Rights*. Toronto: 2004.

Catholic Health Association of Canada. *Health Ethics Guide*. Ottawa: 2000.

Ontario Hospital Association, Patient Safety Support Service. *Your Health Care Be Involved*. 2006

Psychiatric Patient Advocate Office: *Mental Health Rights in Ontario: Yesterday Today and Tomorrow, 20th Anniversary Special Report*. Toronto: May 2003

Psychiatric Services: *Strengthening the Consumer Voice In Managed Care*, October 2001

Dr. James E. Sabin M.D., Professor of Psychiatry, Harvard Medical School

Dr. Maureen O'Brien Psy.D., Director of Quality Management, Value Options, Dedham Massachusetts.

Dr. Norman Daniels, Ph.D. Professor of Medical Ethics – Social Medicine, Tufts Medical School, Boston, Massachusetts.

Riverview Hospital, *Charter of Patient Rights Guidebook*. May 1999.

University Health Network, *Patient Bill of Rights and Responsibilities*. Toronto: 2004.

MENTAL HEALTH AND ADDICTION PROGRAM  
PATIENT BILL OF RIGHTS

If you have questions or comments about the Patient Bill of Rights  
please contact:

Peer Support Services Coordinator - 905-522-1155 ext. 36446

Psychiatric Patient Advocate - 905-522-1155 ext. 35514

Risk Manager - 905-522-1155 ext. 35591

[www.stjoes.ca](http://www.stjoes.ca)

St. Joseph's  
Healthcare  Hamilton