

# Patient Rights and Responsibilities

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## **Background**

CMS Conditions of Participation, State Operations Manual Appendix A (Revision 151, 11-20-15)

42 CFR 482.13 - Condition of participation: Patient's rights.

## **Purpose**

Tulane Doctors goal is to provide excellent health care to every patient. Our patients have the rights and responsibilities referenced in this policy regardless of a patient's age, ancestry, color, culture, disability (physical or intellectual), ethnicity, gender, gender identity or expression, genetic information, language, military/veteran status, national origin, race, religion, sexual orientation, socioeconomic status, or source of payment for your care. Tulane University physicians, administration, and staff respect and address the rights of all patients to treatment, care and services within Tulane Doctors mission, and in compliance with applicable federal and state law and regulations. Patients are informed of their rights and responsibilities as early as possible upon arrival in the clinic.

This policy discusses patients' rights and responsibilities as required by the Centers for Medicare and Medicaid (CMS) and any applicable Louisiana State law.

## **PATIENT RIGHTS**

All patients have the right to the following:

### **Access**

The right to receive care without discrimination due to age, ancestry, color, culture, disability (physical or intellectual), ethnicity, gender, gender identity or expression, genetic information, language, military/veteran status, national origin, race, religion, sexual orientation, socioeconomic status, or source of payment.

### **Respect and Dignity**

The right to considerate, respectful care given by competent personnel, which optimizes the patient's comfort and dignity while contributing to a positive patient self-image.

## Communication

The right to:

- Be informed of Patient Rights and Responsibilities at the earliest possible time of the patient's first clinic visit in a manner and form that the patient understands.
- The right to know what rules and regulations apply to patient conduct.
- Know the name of the provider who has primary responsibility for the patient's care, and the identity and function of all individuals providing their care, treatment, and services.
- Be communicated with in a manner that is clear, concise, and understandable. Information provided will be appropriate to the age and cognition of the patient.
- Be provided with a qualified interpreter free of charge; either in person or on the phone as deemed appropriate if the patient has limited English proficiency.
- Be provided with a certified Deaf and Hard of Hearing interpreter for patients with speech, hearing, and/or cognitive impairments.
- Be informed about unanticipated outcomes of care, treatment, and services. The provider responsible for the patient's care, or the patient's designee, informs the patient about the unanticipated outcome when the patient is not already aware of the occurrence or when further discussion is needed.
- Have assistance in accessing and designating a support person or agency to act as needed to assert and protect the patient's rights.
- Delegate decision making to a specific person/s. The clinic will respect the patient's wishes to the maximum extent practicable, and to the degree permitted by law.
- Designate a lay caregiver, who is a person chosen by the patient to receive health information about the patient due to their unique role as the patient's primary caregiver if applicable. When a patient is unable to make decisions about care, treatment, and services, a surrogate decision maker will be involved in making those decisions. This includes the surrogate decision maker's right to refuse care, treatment, and services on the patient's behalf, in accordance with law and regulation.

## Quality Care Delivery

The right to:

- Receive care in a safe and secure environment which incorporates current standards of practice for patient environmental safety, infection control and security.
- Be free from all forms of mental, physical, sexual, and verbal abuse, neglect and exploitation.
- Expect good management techniques to be implemented to effectively use the patient's time and to avoid the personal discomfort of the patient.
- Receive high quality care based on professional standards that are continually maintained and reviewed.
- Receive care without discrimination. Tulane University Medical Group Clinics are committed to maintaining a non-discriminatory environment. Tulane does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran status (or any other classification protected by

applicable law).

### Participation in Care

The right to:

- Participate with the providers in the development, implementation and revision of the patient plan of care.
- Receive information about current health status, care needs, outcomes, recovery, ongoing healthcare needs and future health status.
- Be informed about proposed care options including the risks and benefits, other care options, what could happen without care, and the expected outcome(s) of any medical care provided, including any outcomes that were not expected.
- Be involved in all aspects of care and to take part in decisions about care.
- Request care. This right does not mean the patient can demand care or services that are not medically needed.
- Participate in the consideration of ethical issues surrounding his/her care.
- Receive assistance to obtain consultation with another provider at the patient's request and own expense.

### Pain Management

The right to:

- Appropriate assessment, management and relief of pain, including providing feedback on pain control in accordance with medical standards of care and applicable laws.

### Consent

The right to:

- Give informed consent. This information shall include the name of the person performing the procedure or treatment, a description of the procedure or treatment, the medically significant risks involved, alternate courses of treatment or non-treatment and the risks involved in each.
- Refuse any care, therapy, drug, treatment, or procedure that a provider is recommending. The provider will discuss the medical consequences of such refusal. There are times when care must be provided by law or regulation.
- Give consent prior to the start of any experimental, research, donor program or educational activities in which the patient may be asked to participate. The patient or the patient's legal representative may, at any time, refuse to continue in any such study/program to which informed consent has previously been given. Refusal to participate or discontinuation of participation will not compromise the patient's right to access care, treatment or services.
- Give consent for providers and/or staff to take photos, make recordings, or film patients if the purpose is for something other than patient identification, care, diagnosis or treatment.

### Privacy

The right to:

- Be interviewed, examined, treated and have care discussed in places designed to protect privacy.
- Expect all communications and records related to care to be treated as confidential except as otherwise provided by law or third-party contractual arrangements.
- Receive notice that explains how personal health information will be used and shared with other health care professionals involved in the patient's care.
- Request an accounting of circumstances in which information about the patient has been disclosed or reported due to law or regulation.
- Limit who can receive information about the patient, including demographic information, the patient's presence or location in the clinical area or information about the patient's medical condition.

### Medical Record

The right to:

- Access all information contained in the patient's medical record other than psychotherapy notes unless access is restricted by the attending provider for medical reasons.
- Request a copy of the patient's medical record (note: there may be a fee for the copying of the medical record). If the patient feels that the information is incorrect, they may request that the information be amended. Tulane Doctors may deny the request to amend information under certain specific circumstances as permitted by law.

### Financial Charges

The right to:

Examine and receive a detailed explanation of the patient's bill. Referral for counseling on the availability of known financial resources to help the patient in payment of healthcare bills.

## **PATIENT RESPONSIBILITIES**

The following patient responsibilities are presented to the patient and family in the spirit of mutual trust and respect.

### Demonstrate Respect and Consideration

Patients, as well as their family members, representatives, and visitors, are expected to recognize and respect the rights of our other patients, visitors, and staff. Threats, violence, disrespectful communication, or harassment of other patients or of any staff member, for any reason, including because of an individual's age, ancestry, color, culture, disability (physical or intellectual),

ethnicity, gender, gender identity or expression, genetic information, language, military/veteran status, national origin, race, religion, sexual orientation, or other aspect of difference will not be tolerated. This prohibition applies to the patient as well as their family members, representatives, and visitors.

In addition, requests for changes of provider or other medical staff based on the provider's race, ethnicity, religion, sexual orientation, or gender identity will not be honored. Requests for provider or medical staff changes based on gender will be considered on a case by case basis and only based on extenuating circumstances.

Patients and their families, representatives and visitors are expected to respect the property of other persons and that of Tulane Doctors

#### Provision of Information

Patients and their families must provide, to the best of their knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, advance directives, and other matters relating to the patient's health. Patients and their families must report perceived risks in the patient's care and unexpected changes in the patient's condition.

#### Asking Questions

Patients and their families must ask questions when they do not understand their care, treatment, and service or what they are expected to do. The patients and families are responsible for reporting whether they clearly comprehend a contemplated course of action.

#### Refusing or Not Following Care Instructions

The patient and their families are responsible for the outcomes if they refuse care or do not follow the care, treatment, and service plan.

#### Following Safety Policies

Patients and their families or visitors are expected to:

Observe the no smoking policy of the organization. Refrain from conducting any illegal activity on the Tulane Doctors property. If such activity occurs, it will be reported to the police.

Refrain from recording your experiences in the clinic without the consent of everyone involved including physicians, nurses, and other staff. Please Note that unauthorized recording violates Louisiana State law.

### Paying for Care

The patient is responsible for assuming financial responsibility of payment for all services rendered through third party payors (insurance companies), as applicable, and being personally responsible for payment of any services that are not covered by his/her insurance.

### Patient Grievances

Grievances should be directed:

- to the Clinic Manager, if possible
- to the Tulane University Office of Institutional Equity via  
Phone: 504-862-8083  
Email: [OIE@tulane.edu](mailto:OIE@tulane.edu)  
Completion of an Electronic Form: [Tulane.edu/concerns](https://tulane.edu/concerns)