

## **Charter on Patient's Rights in the Slovak Republic**

*The Charter on Patients' Rights in the Slovak Republic was drawn up on the basis of the Act of the Slovak Republic and the valid legal regulations of the Slovak Republic - Act of the National Council of the Slovak Republic no. 277/1994 Coll., on the Health Care, as amended, Act of the National Council of the Slovak Republic no. 272/1994 Coll., on the Protection of Human Health as amended, Act of the National Council of the Slovak Republic no. 273/1994 Coll. on the Health Insurance, on the Financing of Health Insurance, on the Establishment of the General Health Insurance Company and on the Establishment of Sectoral, Sectoral, Business and Civil Health Insurance Companies, as amended, the Act of the National Council of the Slovak Republic no. 98/1995 Coll. on the Health Code as amended, but also documents of international organisations such as The United Nations, the World Health Organisation, the Council of Europe and the European Union. It consists of a preamble and 10 articles. Individual articles specify human rights and freedoms in the provision of health care, general patient rights, right to information, patient consent, patients' consent who are not fit to make decisions, confidentiality, treatment and care, care for incapable patients and dying, complaints and compensation for damages.*

### **Health is one of the most important human values**

**According to the definition of the World Health Organisation, "health is a state of complete physical, mental and social well-being and not just the absence of a disease or disability". Everyone is responsible for protecting and promoting their own health, but at the same time it is expected that the society will ensure the right conditions.**

Everyone has the right to healthy living conditions and a healthy environment, to health protection, to health care and adequate assistance in the event of illness, disease risk, or permanent health damage. Health protection should generally mean prevention and primary prevention as well as prevention of health damage. Health recovery is a healing process, including rehabilitation (long-term recovery of health).

Individual rights of patients in health care are based on the human right to human dignity, self-determination and autonomy. The right to healthcare is defined as the right to avail of the benefits of the healthcare system and the health services available in the state.

**Everyone has the right to access such a standard of healthcare that is in compliance with the laws in force in the Slovak Republic and with the**



**current level of medical science. When exercising rights, patients may only be subjected to restrictions that are in accordance with the Declaration of Human Rights. The right to the adequate quality of healthcare means that the work of healthcare workers must be at a high professional level. The goal of health legislation is to ensure that legislation reflects these principles.**

#### **Article 1: Human rights and freedoms in the provision of healthcare**

1. Everyone has the right to have his basic human rights and liberties in the provision of health care respected.
2. Any discrimination on grounds of race, skin colour, gender, religion, political or different way of thinking, national or social origin, property, gender or other status shall be prohibited in the provision of health care.

#### **Article 2: General Patient Rights**

**Everyone who is physically or mentally ill or affected or who is at risk of such condition is considered a patient and has the right to preventive care, diagnosis and treatment in order to restore health or mitigate the consequences of such condition or to prevent further deterioration of the condition.**

1. The patient has the right to such health protection, including prevention, as guaranteed by the health care legislation.
2. The patient has the right to strive to achieve the highest possible level of health.
3. The patient is entitled to healthcare on the basis of his / her state of health and disability. The state creates conditions for healthcare to be provided at a professional level, continuously, consistently, and in the available manner.
4. The patient has the right to equal access to healthcare.
5. The patient has the right to choose and change a physician and a healthcare facility, except for the restrictions laid down by a special law.
6. In the event of a serious threat to life or health, the patient is entitled to medical treatment at any time in the nearest health facility.



7. The patient has the right to be referred if necessary, by a physician providing the ambulatory healthcare, for examination to a physician providing secondary and follow-up medical care.
8. The patient has the right to participate in the health care process, to co-decide on its provision and treatment.
9. The patient has the right to the healthcare of a high professional standard that uses modern technology, but also to a dignified, ethical and humane approach.

### **Article 3: Right to information**

**Information on the provision of healthcare services are publicly available in order for everyone to be able to avail of those on the basis of the principle set out in Art. 1 and Art. 2.**

1. The patient has the right to be informed in to him / her comprehensible manner about his / her state of health, including the nature of the illness and the necessary medical treatment, upon request and in writing. In the case of under aged persons or patients deprived of their legal capacity, or with limited legal capacity, it is necessary to choose the appropriate form of information and to inform the legal representative.
2. The patient has the right to be informed about the costs of the health services provided and the cost of the medicines and medical aids that are under his / her responsibility to cover financially. The healthcare facility is required to display, in a visible place, a price list of selected medical treatment provisions that are covered by the patient.
3. The patient has the right not to be informed if he so requests. The patient's request that he / she does not wish to be informed must be made in writing or in otherwise verifiable form. If the patient refuses a comprehensive information, a physician is required to provide the information in an appropriate form. The method of informing the patient should be recorded in the medical history documentation. If the patient has informed that he does not wish to be informed, the information will not be provided to him / her, provided that the failure to provide the information is not to the detriment of the patient or other persons than himself / herself.
4. The patient or his / her legal guardian has the right to inspect the medical records and make excerpts on the spot.



5. When released from a medical facility, the patient is entitled to request a written report on the diagnosis, course of illness and treatment of his or her condition.
6. In the case of a patient's death, a spouse, a wife, an adult person living with the patient in the shared household at the time of death, children over 18 years of age have the right to peruse the medical records; should there be no children, then the parents.

#### **Article 4: Patient consent**

1. Informed consent of the patient is a prerequisite for each examination and treatment.
2. The patient has the right to refuse or discontinue medical treatment, except as provided by applicable law.
3. If the patient's consent cannot be obtained and medical treatment is necessary and urgent, it can be performed without the consent.
4. Removing organs from the body of a living donor for the purpose of transferring it to the other person's body in the interest of healing is only possible if the donor is fully eligible for legal acts and if he / she has expressed his or her consent in writing. The consent can be withdrawn at any time prior to the procedure.
5. Removal of organs from dead bodies for transplantation or scientific research purposes is possible only if a person has not, during his / her life, made a written or otherwise verifiable statement stating that he / she disagrees with this kind interference with his / her physical integrity.
6. Informed written consent is a prerequisite for inclusion of the patient into scientific research studies and for the inclusion in the teachings of clinical subjects. This consent can be withdrawn by the patient at any time.

#### **Article 5: Consent of the patients that are deemed not fit to make decisions on their own behalf**

1. The consent for the under aged patient, or for the patient with a limited legal capacity or for the patient deemed not fit to act on his / her own behalf, is granted by his / her legal guardian or in case of children by foster parents.
2. If the consent of a patient with limited legal capacity or the consent of a statutory representative of a patient who has been deprived of legal capacity cannot be reached, the consent of the expert consensus is required in order to perform a necessary treatment. The



necessary treatment can be performed without the consent in case the life of the patient is in imminent danger.

### **Article 6: Confidentiality**

1. All information about the patient's health, diagnosis, treatment and prognosis, as well as all other personal information, is confidential during and after patient's life. The right to confidentiality of data and its protection relates both to its processing time and to the exchange of data, including the right to data and information protection inclusive of those in electronic form.
2. Data from medical history records may be provided upon written and reasoned request to the prosecutor, investigator, police authority or court in the form of excerpts.
3. The medical facility maintains complete medical history documentation on the patient for 50 years after patient's death.
4. Patient's information and access to his / her health records may be made available for statistical and scientific purposes in accordance with the applicable law.

### **Article 7: Treatment and care**

**Everyone has the right to such healthcare as required by his / her state of health, including preventive healthcare and the activities promoting health. Health services must be available and provided on the principle of equality, without discrimination and according to financial, human and material resources in society.**

1. The patient has the right to know the basic information (name and surname) about medical staff who provide his / her healthcare and treatment.
2. Upon admission to a medical facility, the examination, treatment and possible hospitalisation of the patient in the medical facility are carried out in accordance with the principles of the right to human dignity and the preserving of patient's intimacy. Medical treatments are provided by healthcare professionals in accordance with the principles of ethical and dignified approach.
3. The patient has the right for a provision of healthcare with regard to his / her health condition
  - in an agreed or reasonable time,
  - according to the agreed and approved conditions,



- in the shortest possible time frame should it be an acute or life-threatening condition.
4. Upon agreement with the healthcare facility, a pregnant woman has the right to be accompanied by an adult person of her choice during the delivery.
  5. The patient has the right to the appropriate continuation of the treatment, including the cooperation between different medical facilities.
  6. The patient has the right to use a support of his / her family and friends during the provision of medical care, subject to the rules established by the medical facility.
  7. If the reasons for patient's further stay in a health care facility are no longer met, the patient must be informed of those reasons for his or her release or transfer to another medical facility and for further treatment in a manner that complies with the applicable legislation.
  8. If a child under the age of six is admitted to institutional care, it is possible to accept the child under the recommendation of a physician together with accompanying person. It is possible to accept a child older than six years of age and a child up to the end of compulsory schooling, upon the examination of the psychological and physical status of the child, based on the recommendation of the attending physician and with the approval of the review physician, together with the accompanying person. The accompanying person stay is considered to be the institutional care.

### **Article 8: Care for patients who are incurably ill and dying**

1. The patient with an incurable state disease, has the right to such relief and relief of pain which corresponds to the current knowledge and capabilities in medical care for dying.
2. An exceptionally sick and dying patient has the right to human care.
3. The patient has the right to be accompanied by a person at his or her wishes in the last moments of his life.
4. The patient has the right to a dignified death.
5. The patient is entitled to have his / her written request not to be resuscitated or refuse the application of treatments and procedures strictly respected. Should despite the adequate explanation the patient refuse the necessary medical treatment, the physician will ask him to express his or her refusal in written or otherwise verifiable form.



### **Article 9: Complaints**

1. The patient has the right to file a complaint if he / she considers that his or her right to healthcare have been violated.
2. A complaint may be filed by the patient with the Director of the State Health Service in which he she was provided with healthcare, the State District Physician, the State Regional Physician, the Ministry of Health of the Slovak Republic, the professional authorities and other institutions.

### **Article 10: Compensation of damages**

1. The patient has the right to a compensation, as a result of the court's decision under the applicable legislation, for the damages he / she has suffered in the course of provision of the healthcare.

