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## Policy & Procedure

Page 1 of 8	Revision #: 5
Owner: Administration	Authorized by: SHS System Operations
<b>Rights and Responsibilities of Patients, Guardians, and Health Care Representatives</b>	

### APPLICATION

All Samaritan Health Services (SHS) hospitals, provider based clinics and hospital satellite departments.

### POLICY

SHS patients, inpatient or outpatient, and when appropriate the patient’s guardians, and/or health care representatives will be informed of patient’s rights in advance of providing or discontinuing care. (Guardians and health care representative shall be referred to as “patient representatives” throughout this policy.)

### PROCEDURE

#### DEFINITIONS:

NONE

#### IMPLEMENTATION:

1. Patients acknowledge that they have reviewed a copy of their Rights and Responsibilities in the Conditions of Service (COS) and the Conditions of Admission document. The COS is signed prior to care as a patient and then annually thereafter for returning patients.
2. Patient Rights and Responsibilities are available in the following locations/formats:
  - a. Posted in waiting areas and registration areas by wall poster or hand flyer format
  - b. Available on the internet at [www.samhealth.org](http://www.samhealth.org)
  - c. Available upon request.

### REFERENCES

- SHS Policies
  - Release of Medical Information
  - Complaint or Grievance, Patient/Family
  - Important Message from Medicare
  - Medicare Patient Appeal of Hospital Discharge
- Advance Directive Form
- OAR 333-505-0033
- 42 CFR 482.13
- 45 CFR 168.604 (HIPAA Privacy)

**REVIEW/REVISION HISTORY**

<b>Date of Revision</b>	<b>Revision #</b>	<b>Revision / Review</b>	<b>Revision Description</b>	<b>Collaborated With (i.e. Standardization Committee, VP's, Quality, Risk)</b>
Date Released	0	New		
06/13/2016	0-2	Revision	Archived	
06/13/2016	3	Revision	Added how patients receive a copy of their rights	Compliance, P&B Committee
1/15/2018	4	Revision	Updated "Authorized By" to current SHS Committee	Compliance
01/23/2018		Review		Policy & Benefits Committee
6/18/2019	5	Revision	Changed CMS QIO contractor and contact information, add OHA address per CFR 482.24(a)(2), added reference to Conditions of Admission, updated application to include other hospital locations.	Compliance
		Select		
		Select		

## Appendix A

1. **Patient Rights-** *The patient or any patient representative has the right to ....*
  - A. Receive safe treatment, care and services within the capability and mission of SHS and in compliance with the law.
    - 1) The patient and any patient representative have the right to considerate, respectful care at all times and under all circumstances, with recognition of his or her personal dignity.
    - 2) Commensurate with its commitment to quality patient care, SHS accepts its legal and ethical responsibilities for assuring patient services are provided to meet the special needs of neonates, children, and adolescent patients.
  - B. Impartial access for treatment or accommodations that are available or medically indicated, regardless of race, color, age, creed, religion, marital status, sex, sexual orientation, gender identity, national origin, disability or sources of payment for care.
  - C. Receive visitors whom the patient designates, including, but not limited to a spouse, domestic partner (including same-sex domestic partner), another family member or friend. Visitors will not be restricted, limited, or otherwise denied visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability. \*Critical Access Hospitals shall inform patient of rights in advance of furnishing patient care whenever possible.
    - 1) The patient and any patient representative has the right to withdraw or deny such consent at any time.
    - 2) The patient and any patient representative have the right to be informed of any clinical restriction of visitation rights, (e.g. court order, behavior, disruptive in the functioning of patient care unit, patient or visitor risk of infection, patient's need for privacy or rest, etc.)
    - 3) All visitors shall benefit from full and equal visitation privileges consistent with patient preferences.
  - D. Have my family and physician notified promptly of my admission.
  - E. Personal and informational privacy, within the law, as manifested by the following rights:
    - 1) To refuse to talk with or see anyone not officially connected with the hospital, including visitors or persons connected with the hospital but not directly involved in the patient's care unless by Court Order or during an ongoing criminal investigation.
    - 2) To wear appropriate personal clothing and religious or other symbolic items as long as they do not interfere with diagnostic procedures or treatment.
    - 3) To be interviewed and examined in surroundings designed to assure reasonable visual and auditory privacy. This includes the right to have a person of one's own gender present during certain parts of a physical examination, treatment, or procedure performed by a health professional and the right not to remain disrobed any longer than is required.
    - 4) To expect that any discussion or consultation involving the patient and any patient representative will be conducted discreetly and that individuals not directly involved in the patient's care will not be present without the permission of the patient and any patient representative.
    - 5) To have the medical record read only by individuals directly involved in the patient's treatment or in the monitoring of its quality by other individuals only on written authorization of the

- patient and any patient representative, or as authorized by hospital policy. (See Release of Medical Information policy.)
- 6) To expect all communications and other record pertaining to the patient's care, including the source of payment for treatment, to be treated as confidential.
  - 7) To request a transfer to another room if another patient or a visitor in the room is unreasonably disturbing the patient.
- F. To know the identity and professional status of individuals providing service to the patient and to know which professional or other practitioner is primarily responsible for the patient's care.
- 1) This includes the right to know of the existence of any professional relationship among individuals who are treating the patient, as well as the relationship to any other health care or educational institution involved in the patient's care.
- G. Obtain, from the practitioner responsible for coordinating the patient's care, complete and current information concerning the diagnosis (to the degree known), treatment, and any known prognosis.
- 1) This information should be communicated in terms the patient and any patient representative can reasonably be expected to understand. When it is not medically advisable, to give such information, to the patient, the information may be available to a legally-authorized individual.
- H. Receive effective communication regarding your diagnosis, treatment plans, prognosis and follow-up care instructions appropriate to your age, understanding, language and condition, including vision, speech, hearing, and cognitive impairments.
- 1) The patient and any patient representative have the right to written and/or verbal communication regarding their care.
  - 2) When the patient and any patient representative does not speak or understand the predominant language of the community, access to an interpreter will be provided.
- I. Reasonable informed participation in decisions involving health care. To the degree possible, this should be based on a clear, concise, explanation of the patient's condition and all proposed technical procedures, including the responsibilities of any risk of mortality or serious side effects, problems related to recuperation, and probability of success.
- 1) Patients should not be subjected to any procedure without their voluntary, competent and understanding consent. Where medically-significant alternatives for care or treatment exist, the patient and any patient representative shall be informed.
  - 2) The patient and any patient representative has the right to know who is responsible for authorizing and performing the procedure or treatment, and the right to be informed about the outcome of care, including unanticipated outcomes.
  - 3) The patient and any patient representative, at his or her own request and expense, have the right to arrange for a consult with a specialist.
  - 4) The patient and any patient representative are encouraged to participate in the development of the plan of care.
  - 5) The patient is encouraged to formulate an advance directive and designate a healthcare representative in case he/she becomes unable to understand the proposed care, treatment or services or is unable to communicate his/her wishes.
    - a. Expect staff and physicians to comply with your wishes
    - b. Know the extent to which the hospital is able, unable or unwilling to honor your advance directive.

- J. Participate in transfer decisions to another facility after a patient and any patient representative has received a complete explanation of the need for the transfer and the alternatives to such a transfer, and the transfer is acceptable to the other facility.
- K. Have pain recognized and managed appropriately and in accordance with the care, treatment and services provided.
- L. Be free from restraints and seclusion of any form that are not medically necessary or are used as a means of coercion, discipline, convenience, or retaliation by staff.
- M. Participate in clinical training programs or in the gathering of data for research purposes only on a voluntary basis.
  - 1) The patient and any patient representative shall be informed if the hospital proposes to engage in or perform human experimentation or other research/educational projects affecting the patient's care or treatment, and the patient and any patient representative has the right to refuse participation in any such activity without compromising his/her access to services.
- N. Expect reasonable safety in regard to hospital practices and environment.
  - 1) To be placed in protective privacy when considered necessary for personal safety.
  - 2) To access protective services.
- O. Request restriction, access, amendment and/or accounting of disclosure of patient's Medical Records. State and Federal standards will be followed relating to a patient or patient's representative's right to available restrictions for use and disclosure, access to and/or amendment of, and/or an accounting of disclosure of the patient's medical records.
  - 1) With appropriate authorization, copies of the patient's medical record or request will be made available of the patient's medical records.
    - a. Following notification and consent of the patient's physician, the patient or patient representative may view the patient's active medical record in the presence of a physician, nursing staff, or Medical Records Department personnel.
    - b. An inactive medical record may be accessed by a patient or patient representative according to the Release of Medical Information policy.
    - c. A patient has the right to request an amendment or addition to his or her medical record.
  - 2) A patient may be denied access to his/her records when release of psychiatric or psychological information contained in the written account "would constitute an immediate and grave" danger to the treatment of the patient.
  - 3) A patient or patient representative has the right to request a restriction of the use and/or disclosure of the patient's record as well as request an Accounting of Disclosure of the patient's medical records.
  - 4) The patient may request to receive communications involving their protected health information by alternative means and/or at alternative locations. SHS will make reasonable accommodation to honor these requests.
- P. Request and receive an itemized and detailed explanation of the total bill for services rendered in the hospital. The patient and any patient representative has the right to timely notice prior to termination

of eligibility for reimbursement by any third-party payer for the cost of care, given that the hospital has been informed.

- Q. Be informed of hospital rules and regulations applicable to the conduct of the patient.
  - R. Be informed of the right to register a complaint with the facility or regulatory bodies. All patient complaints including complaints registered by or for neonates, children and adolescents, will be researched and resolved according to the hospital's complaint policy. (See "Complaint or Grievance Patient/Family"). The patient is entitled to information about the hospital's mechanism for the initiation, review, and resolution of patient complaints.
2. **Patient Responsibilities- *The patient and any patient representative is responsible...***
- A. To provide the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications and other matters relating to the patient's health.
    - 1) To report unexpected changes in the patient's condition to the responsible practitioner.
    - 2) To report whether he or she clearly comprehends a contemplated course of action and what is expected of the patient.
  - B. To follow the treatment plan recommended by the practitioner primarily responsible for the patient's care. This may include following instructions of nurses and allied health personnel as they carry out the coordinated plan of care and implement the responsible practitioner's orders, and as they enforce the applicable hospital rules and regulations. The patient any patient representative is responsible for keeping appointments, and when unable to do so for any reason, for notifying the responsible practitioner or the hospital.
  - C. For assuring that the financial obligations for the patient's health care are fulfilled as promptly as possible.
  - D. For following hospital rules and regulations affecting patient care and conduct.
  - E. For being considerate of the rights of other patients and hospital personnel, and for assisting in the control of noise and number of visitors. The patient and any patient representative are responsible for being respectful of the property of other persons and of the hospital.

## Appendix B

# Rights and responsibilities of patients, guardians and health care representatives

Samaritan Health Services recognizes and respects the diversity and individuality of each person admitted to, or treated within, our facilities. All members of our workforce (employees, volunteers, medical staff, residents, students, contracted personnel and vendors) are expected to provide considerate and respectful care, meeting the cultural, spiritual, emotional, lifestyle and personal dignity needs of each individual patient and their families.

As a patient I, or my legally authorized representative, have the right to:

- Receive safe treatment, care and services within the capability and mission of Samaritan Health Services, and in compliance with the law.
- Receive services without discrimination due to my race, creed, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, marital status, age, newborn status, handicap or source of payment.
- Have my family and physician notified promptly of my admission and have my family participate in my care decisions.
- Have all communication and records pertaining to my health care kept confidential and only viewed by individuals directly responsible for treatment, processes involving payment or hospital operations, or as required by law.
- Know the name and professional status of the people who are caring for me.
- Designate a representative to participate in the development and implementation of my plan of care, discharge plan and pain management plan.
- Receive from my physician, in terms I can understand, current information about my diagnosis, treatment and prognosis.
- Receive from my physician, except in emergencies, information that allows me to give informed consent before beginning any procedure or treatment.
- Receive care for symptoms that will respond to treatment, even if they are not related to my primary health care condition.
- Receive considerate and respectful care in a safe and private environment, free of neglect, harassment and abuse.
- Complete an advance directive outlining my wishes regarding my health care should I become unable to express my wishes. This may include my wishes regarding organ and tissue donation.
- Refuse treatment to the extent permitted by law and be informed of the medical consequences of my actions.
- Request treatment by, or consult with, a specialist at my expense.
- Request a restriction of access to or disclosure of my medical record.
- Request an accounting of disclosures of my medical records.
- Receive assistance with discharge plan.
- Request to receive communications of protected health information by alternative means and/or at alternative locations.
- Be informed of the need for, alternative to and acceptance by another facility when transfer to that facility is planned.
- Receive evaluation and management of pain.
- Participate in the planning of my medical treatment and to decline to participate in experimental research.
- Be free from restraints and seclusion of any form that are not medically necessary or are used as a means of coercion, discipline, convenience or retaliation by staff.
- Receive evaluation and provision of protective services.
- Designate who is permitted to visit me during my hospitalization, including, but not limited to, a spouse, domestic partner (including same-sex domestic partner), another family member or friend. Visitors will not be restricted, limited or otherwise denied visitation privileges on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation or disability.
- Withdraw visitor consent or deny visitors.
- Receive care and treatment that respects my values, beliefs and life philosophy.
- Receive emotional and spiritual support for my family and me.
- Have access to my medical record within a reasonable timeframe. This may include requesting an amendment or addition to my record.
- Examine and receive an explanation of my bill regardless of the source of payment and receive information regarding financial assistance.
- Receive information regarding the relationship of Samaritan Health Services to other health care or educational institutions involved in my care.
- File a grievance and be informed of the process to review and address the grievance without fear of retaliation or retribution from my provider or the organization.
- Effective communication, including access to communication aids and devices, free of charge, if limited English proficiency or hearing, speech or visual impairment.
- Receive competent language translation, free of charge.

## Appendix B

**As a patient I, or my legally authorized representative, have the responsibility to:**

- Participate to the fullest extent possible in my care and treatment.
- Provide complete information about my health care condition and medical history, report my care and health risks as I perceive them and ask questions when I do not understand what I've been told about my care.
- Notify my care provider or physician about changes in my condition.
- Notify my care provider or physician of symptoms or health care problems, even if they are not related to my primary health care condition.
- Report my pain and participate in the development of a pain management plan with my care provider or physician.
- Inform my care provider or physician if I do not understand instructions or if I will be unable to follow them.
- Accept the consequences of my actions if I choose not to participate in the recommended treatment plan.
- Observe safety regulations.
- Be considerate of patients, families and staff, help control noise and disturbances, and follow the tobacco free policy of the organization.
- Not threaten or harm other patients, families or staff.
- Not destroy the property of patients, families, staff and facilities.
- Fulfill the financial obligations of my health care as promptly as possible.

**If you have a concern or would like additional information**

We encourage you to resolve complaints immediately at the time of service. If we fail to meet your expectations, we invite you to share your concerns or complaints by talking to or directly mailing to any of the following:

1. Any member of the health care team including your doctor
2. A department manager, clinic manager, nursing supervisor
3. A hospital administrator  
**Samaritan Albany General Hospital**  
 Attn: Administration  
 1046 Sixth Ave. SW  
 Albany, OR 97321 • 541-812-4000  
  
**Good Samaritan Regional Medical Center**  
 Attn: Administration  
 3600 NW Samaritan Drive  
 Corvallis, OR 97330 • 541-768-5111  
  
**Samaritan Lebanon Community Hospital**  
 Attn: Administration  
 PO Box 739  
 Lebanon, OR 97355 • 541-258-2801  
  
**Samaritan North Lincoln Hospital**  
 Attn: Administration  
 3043 NE 28th St.  
 Lincoln City, OR 97367 • 541-994-3661  
  
**Samaritan Pacific Communities Hospital**  
 Attn: Director of Quality Management  
 930 SW Abbey St.  
 Newport, OR 97365 • 541-265-2244
4. Health care accreditation agency  
 DNV (Det Norske Veritas)  
 866-496-9647 • [hospitalcomplaint@dnv.com](mailto:hospitalcomplaint@dnv.com)
5. KEPRO  
 Beneficiary and Family Centered Care – Quality Improvement Organization  
 Call 888-305-6759 or TTY 855-843-4776  
 5700 Lombardo Center Dr. Suite 100  
 Seven Hills, OH 44131
6. Oregon Health Authority  
 Health Care Regulation and Quality Improvement Program  
 800 NE Oregon Street, Suite 465  
 Portland, OR 97232 • Call 971-673-0540
7. Privacy, confidentiality and HIPAA concerns  
 Samaritan Health Services  
 Attn: Privacy Officer  
 3600 NW Samaritan Drive  
 Corvallis, OR 97330 • 541-451-7928  
  
 U.S. Department of Health and Human Services  
 Office for Civil Rights  
[hhs.gov/civil-rights/filing-a-complaint](https://www.hhs.gov/civil-rights/filing-a-complaint)



**Samaritan  
Health Services**

[samhealth.org](http://samhealth.org)