

## Dr Claire Cullen Inc Patient's Right Charter

*(In terms of the Constitution of the Republic of South Africa, 1996 Act 109 of 1996)*

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*(In terms of the Children's Act 38 of 2005, as amended by Act 41 of 2007)*

*Firstly, with regard to Act 109 of 1996, it aims to ensure the South African population does not experience either a denial or violation of fundamental human rights, including rights to health care services. The Department of Health in consultation with various other bodies, developed a National Patients' Rights Charter (The document was launched by the Minister of Health and agreed to by the HPCSA.), from which this Patient's Right Charter is derived.*

*Secondly, with regard to the Children's Act 38 of 2005, as amended by Act 41 of 2007, the Act reinforces the constitutional principle that the best interests of a child are of paramount importance in every matter concerning the child. This Patient's Right Charter is derived from the Children's Institute and Cape Town Universities' "A guide to the Children's Act for Health Professionals".*

*All resources used in this document are freely available online or can be requested from our Information Officer.*

**Date of Compilation:** 28/06/2021

**Date of Revision:** 30/06/2021

## Overview

Dr Claire Cullen Inc / Kids Eyes is an Ophthalmic Practice where the diagnosis and treatment of disorders of the eye, specialising in paediatric eye conditions and adult strabismus, is dealt with. It is classified under the health sector and Dr Cullen is a healthcare professional registered under the Health Professions Act of 1974 and is subject to the rules and regulations of the Health Professions Council of SA (HPCSA). This manual serves to inform members of the public of their fundamental rights as a patient/ guardian to a paediatric patient.

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## What you need to know about patient's rights

### Patient's Rights

1. Everyone has a right to a healthy and safe environment that will ensure their physical and mental health or well-being, including adequate water supply, sanitation, and waste disposal, as well as protection from all forms of environmental danger, such as pollution, ecological degradation, or infection.
2. Everyone has the right to participate in decision-making on matters affecting one's own health.
3. Everyone has the right to access to health care services that include:
  - a) receiving timely emergency care
  - b) treatment and rehabilitation
  - c) provision for special needs in the case of newborn infants, children, pregnant women, the aged, disabled persons, patients in pain, persons living with HIV or AIDS patients
  - d) counselling without discrimination, coercion or violence on matters such as reproductive health, cancer, or HIV/AIDS
  - e) palliative care that is affordable and effective in cases of incurable or terminal illness
  - f) a positive disposition displayed by health care providers that demonstrates courtesy, human dignity, patience, empathy, and tolerance,
  - g) health information that includes information on the availability of health services and how best to use such services, and such information shall be in the language understood by the patient.

4. A member of a health insurance or medical aid scheme is entitled to and responsible for obtaining information about that health insurance or medical aid scheme and to challenge, where necessary, the decision of such health insurance or medical aid scheme relating to the member.
5. Knowing who is providing health care and having to choose a particular health care provider, provided that such choice shall not be contrary to the ethical standards applicable to such health care provider or facility.
6. Information concerning one's health, including information concerning treatment may only be disclosed with informed consent, except when required in terms of any law or any order of court. For more on Protection of Personal Information, contact our Information Officer.
7. Everyone has a right to be given full and accurate information about the nature of one's illnesses, diagnostic procedures, the proposed treatment, and risks associated therewith, and the costs involved.
8. A person may refuse treatment and such refusal shall be verbal or in writing, provided that such refusal does not endanger the health of others.
9. Everyone has the right to complain about health care services, to have such complaints investigated and to receive a full response on such investigation.

### **Patient's Responsibilities**

1. To take care of his or her own health.
2. To care for and protect the environment.
3. To respect the rights of other patients and health care providers.
4. To utilise the health care system properly and not to abuse it.
5. To know his or her local health services and what they offer.
6. To provide health care providers with relevant and accurate information for diagnostic, treatment, rehabilitation, or counselling purposes.
7. To comply with the prescribed treatment or rehabilitation procedures.
8. To enquire about the related costs of treatment and/or rehabilitation and to arrange for payment.
9. To take care of the health records in his or her possession.
10. To keep up to date with and adhere to the latest Covid-19 guidelines and regulations as published by the South African Government, including but not limited to:
  - a. Washing their hands and sanitizing regularly.
  - b. Avoiding touching their face.
  - c. Sneezing and coughing into their elbow.
  - d. Always wearing a face mask, covering the mouth and nostrils.

- e. Keeping a social distance of 1.5m when out in public.
- f. Notifying the practice if they experience any symptoms including but not limited to, coughing, sore throat, aches, or high temperature.
- g. Notifying the practice if they had been in contact with someone who tested positive in the last 10 days.

## Paediatric Patients

### General Principles

For health professionals having to assist children and caregivers with health treatment decisions, and to make judgement calls, the following factors must be considered:

1. Relevant characteristics of the child including age and gender.
2. The child's physical and emotional security and their intellectual, emotional, social, and cultural development.
3. Any disabilities
4. Any chronic illness
5. The need to protect the child from physical or psychological harm that may be caused by any other party/s.

### Rights

1. A healthy, safe, and sterilized environment when visiting the practice.
2. Timely health care, treatment and rehabilitation, provision for special needs, counselling regarding the diagnosis, positive disposition, and health information.
3. Knowing who is providing health care and having a parents, guardian, or caregiver to choose a particular health care provider, provided that such choice shall not be contrary to the ethical standards applicable to such health care provider or facility.
4. Having parents, a guardian or caregiver who is responsible for obtaining information from the health insurance or medical aid the child is a member of.
5. Having responsibilities as the patient, as a child over the age of 12 years or younger when able to comprehend and interpret their surroundings, to be lawful and not pose antagonistic behaviour.

### **Consent to medical treatment**

1. For children under 12, or children over 12 but without sufficient maturity to understand the risks and benefits of the treatment, the parents, guardian, or caregiver need to consent on the child's behalf.
2. A child may consent to his or her own medical treatment or to the medical treatment of his or her child if:
  - a. the child is over the age of 12 years; and
  - b. the child is of sufficient maturity and has the mental capacity to understand the benefits, risks, social and other implications of the treatment."

### **Consent to surgical operations**

1. For children under 12, or children over 12 but without sufficient maturity to understand the risks and benefits of the surgery, the parents or guardian need to consent on the child's behalf. (Consent to medical treatment and surgical operations – section 12915)
2. Children as young as 12 years may now consent to medical treatment and surgical operations for themselves or their own child/ren. However, the determining factor is not only the age of the child, but also the maturity and capacity of the child to understand the benefits, risks, social and other implications of the treatment or surgical operation. A child may consent to the performance of a surgical operation on him or her, or on his or her child if:
  - a. the child is over the age of 12 years; and
  - b. the child is of sufficient maturity and has the mental capacity to understand the benefits, risks, social and other implications of the surgical operation; and
  - c. the child is duly assisted by his or her parent or guardian."

### **Children's Rights and Covid-19**

1. Give your child accurate, age-appropriate information to correct misconceptions regarding Covid-19, ultimately reducing anxiety.
2. Be aware of warning signs that your child is not coping with the pandemic. (Some of these warnings are more likely to be seen in teenagers.)
3. The child's parent/ guardian must ensure they receive education on health and safety measures with adequate access to items required to exercise the measures, including:
  - a. Washing their hands
  - b. Avoiding touching their face
  - c. Sneezing and coughing into their elbow
  - d. Wearing a face mask/ shield

- e. Keeping social distance when out in public
- f. Notifying an adult if they experience any symptoms including but not limited to, coughing, sore throat, aches, or high temperature. In this regard the parent/ guardian is responsible for monitoring the child's wellbeing and not bring them out in public, should they present with the above-mentioned symptoms.